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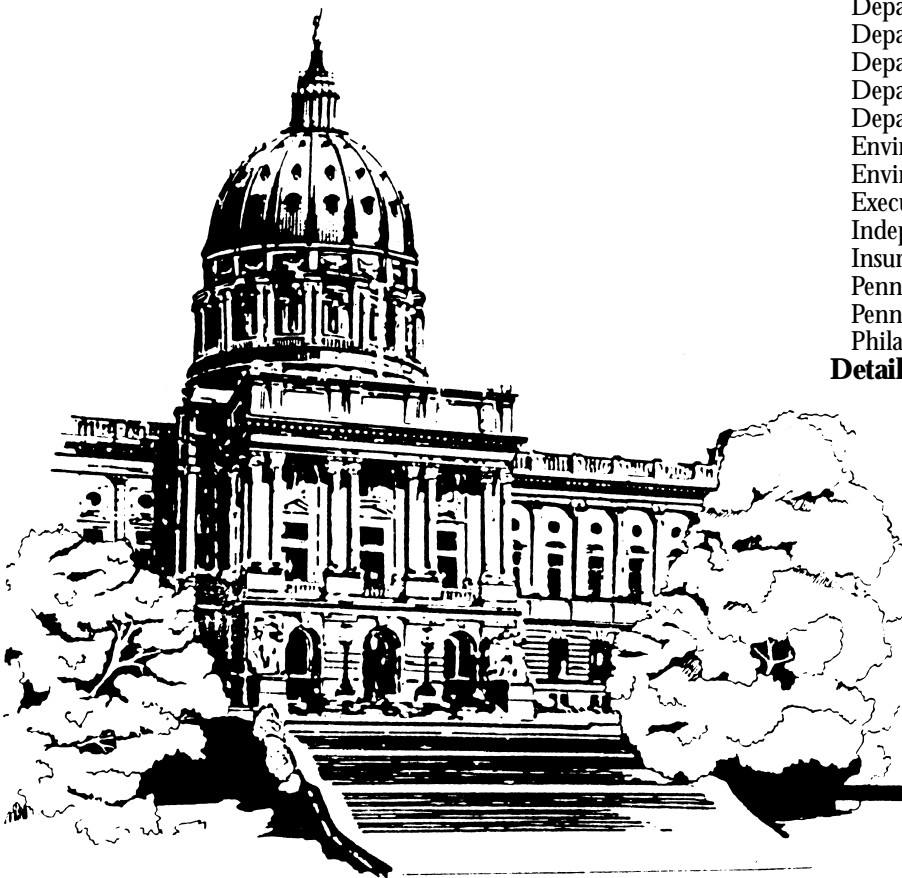
PENNSYLVANIA BULLETIN

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Philadelphia Regional Port Authority

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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 383, October 2006

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Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2006.

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| 3 | 1385 |
| 4 | 1385, 1396 |
| 5 | 181, 694, 1385, 1397, 2279, 2631, 3808 |
| 6 | 1385 |
| 7 | 1396 |
| 10 | 1385, 2631 |

Proposed Rules

| | |
|---------|-----------|
| 1 | 4597 |
| 4 | 2505 |
| 5 | 814, 4597 |

237 Pa. Code (Juvenile Rules)**Adopted Rules**

| | |
|----------|------|
| 1 | 186 |
| 3 | 186 |
| 6 | 186 |
| 8 | 186 |
| 11 | 5571 |
| 12 | 5571 |
| 13 | 5571 |
| 14 | 5571 |
| 15 | 5571 |
| 16 | 5571 |
| 17 | 5571 |
| 18 | 5571 |

Proposed Rules

| | |
|---------|------|
| 5 | 6089 |
|---------|------|

246 Pa. Code (Minor Court Civil Rules)**Adopted Rules**

| | |
|------------|------|
| 200 | 2955 |
| 300 | 2955 |
| 400 | 2955 |
| 500 | 2955 |
| 1000 | 3997 |
| 1200 | 3810 |

Proposed Rules

| | |
|------------|------|
| 200 | 3981 |
| 400 | 3981 |
| 1000 | 3981 |

249 Pa. Code (Philadelphia Rules)

| | |
|--------------------|---------------------------------------|
| Unclassified | 188, 512, 815, 1643, 1843, 1846, 4173 |
|--------------------|---------------------------------------|

252 Pa. Code (Allegheny Rules)

| | |
|--------------------|------|
| Unclassified | 3812 |
|--------------------|------|

255 Pa. Code (Local Court Rules)

| | |
|--------------------|--|
| Unclassified | 189, 388, 512, 935, 1043, 1216, 1399, 1491, 1644, 1850, 1986, 2171, 2280, 2381, 2512, 2513, 2960, 2969, 2970, 3086, 3230, 3525, 3526, 3646, 3647, 3648, 3649, 3812, 3998, 3999, 4000, 4177, 4178, 4179, 4462, 4463, 4464, 4465, 4601, 4602, 4603, 4604, 4606, 4713, 4714, 4715, 4719, 4720, 4721, 4722, 5606, 5682, 5779, 5780, 5974, 6092, 6093, 6282, 6283, 6284, 6375, 6376, 6377, 6386, 6402, 6509 |
|--------------------|--|

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 3]

Order Adopting Amendments to Pa.R.A.P. 341; No.
175 Appellate Procedural Rules; Doc. No. 1

Order

Per Curiam

And Now, this 13th day of October, 2006, upon the recommendation of the Appellate Court Procedural Rules Committee, the proposal having been published before adoption at 35 Pa.B. 2602 on April 30, 2005;

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to the Pennsylvania Rule of Appellate Procedure 341 thereto, are adopted in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective 60 days after adoption.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

FINAL ORDERS

Rule 341. Final Orders; Generally.

* * * * *

(b) *Definition of Final Order*.—A final order is any order that:

- (1) disposes of all claims and of all parties; or
- (2) [**any order that**] is expressly defined as a final order by statute; or
- (3) [**any order**] is entered as a final order pursuant to subdivision (c) of this rule.

* * * * *

Official Note: Related Constitutional and Statutory Provisions—Section 9 of Article V of the Constitution of Pennsylvania provides that “there shall be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court.” The term “administrative agency” is not defined in Rule 102 of these rules and as used in this rule is intended to have the same meaning as the term “administrative agency” in Section 9 of Article V of the Constitution of Pennsylvania. The constitutional provision is implemented by 2 Pa.C.S. § 702 (appeals), 2 Pa.C.S. § 752 (appeals), and 42 Pa.C.S. § 5105 (right to appellate review.)

Criminal Law Proceedings—Discretionary Aspects of Sentencing—Section 9781 of the Sentencing Code (42 Pa.C.S. § 9781) states that the defendant or the Commonwealth may “petition for allowance of appeal” of the discretionary aspects of a sentence for a felony or a misdemeanor. The practice under these rules is to file a notice of appeal. See note to Rule 902 (manner of taking appeal). If the defendant has a right to an appeal with respect to the discretionary aspects of a sentence, the appellate court must, of course, entertain the appeal. Otherwise, such an appeal may be entertained by an appellate court if, but only if, it appears to the court that there is a substantial question that the sentence imposed is not appropriate under the applicable guidelines.

Criminal Law Proceedings—Commonwealth Appeals—Orders formerly appealable under Rule 341 by the Commonwealth in criminal cases as heretofore provided by law, but which do not dispose of the entire case, are now appealable as interlocutory appeals as of right under Subdivision (d) of Rule 311.

Final Orders—Pre-and Post-1992 Practice—The 1992 amendment generally eliminates appeals as of right under Rule 341 from orders not ending the litigation as to all claims and as to all parties. Formerly, there was case law that orders not ending the litigation as to all claims and all parties are final orders if such orders have the practical consequence of putting a litigant out of court.

The 1997 amendments to subdivisions (a) and (c), substituting the conjunction “and” for “or,” are not substantive. The amendments merely clarify that by definition any order which disposes of all claims will dispose of all parties and any order that disposes of all parties will dispose of all claims.

Final Orders in Declaratory Judgment Matters—In an action taken pursuant to the Declaratory Judgments Act, 42 Pa.C.S. §§ 7531–7541, orders based on a pre-trial motion or petition are considered “final” within the meaning of this Rule, under subdivision (b)(2), if they affirmatively or negatively declare the rights and duties of the parties. *Nationwide Mut. Ins. Co. v. Wickett*, 563 Pa. 595, 604, 763 A.2d 813, 818 (2000). Thus, an order in a declaratory judgment action sustaining a demurrer and dismissing some, but not all, defendants is considered a final order under subdivision (b)(2) because it is expressly defined as such by statute. Importantly, however, when a court enters an order in a declaratory judgment action that overrules preliminary objections in the nature of a demurrer, the order is not “final” under subdivision (b)(2), because such order merely allows the case to go forward without declaring the rights and duties of the parties. *Safe Harbor Water Power Corp. v. Fajt*, 583 Pa. 234, 876 A.2d 954 (2005).

In order to preserve issues for appeal after a trial in a declaratory judgment action, an aggrieved party must file post-trial motions as required by Pa.R.C.P. No. 227.1. *Motorists Mutual v. Pinkerton*, 574 Pa. 333, 830 A.2d 958 (2003); *Chalkey v. Roush*, 569 Pa. 462, 805 A.2d 491 (2002).

Orders Appealable Under Other Rules—Orders which are separable from and collateral to the main cause of action where the right involved is too important to be denied review, and the question presented is such that if

review is postponed until final judgment in the case, the claim will be irreparably lost, previously appealable as final orders under Rule 341, are now appealable under Rule 313. See *Pugar v. Greco*, 483 Pa. 68, 73, 394 A.2d 542, 545 (1978) (quoting *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541 (1949)).

The following is a partial list of orders that are no longer appealable as final orders pursuant to Rule 341 but which, in an appropriate case, might fall under Rules 312 (Interlocutory Appeals by Permission) or 313 (Collateral Orders) of this Chapter.

- (1) a decision transferring an equity action to the law side;**
- (2) an order denying a defendant leave to amend his answer to plead an affirmative defense;**
- (3) a pre-trial order refusing to permit a defendant to introduce evidence of an affirmative defense;**
- (4) an order denying a party the right to intervene;**
- (5) an order denying a petition to amend a complaint;**
- (6) an order requiring the withdrawal of counsel;**
- (7) an order denying class certification in a class action case; and**
- (8) an order striking a *lis pendens*.**

The dismissal of preliminary objections to a petition for appointment of a board of viewers and the dismissal of preliminary objections to a declaration of taking, formerly appealable as final orders under Rule 341, are now appealable as interlocutory appeals as of right under Rule 311.

Subdivision (c)—Determination of Finality—Subdivision (c) permits an immediate appeal from an order dismissing less than all claims or parties from a case only upon an express determination that an immediate appeal would facilitate resolution of the entire case. Factors to be considered under Subdivision (c) include, but are not limited to:

- (1) whether there is a significant relationship between adjudicated and unadjudicated claims;
- (2) whether there is a possibility that an appeal would be mooted by further developments;
- (3) whether there is a possibility that the court or administrative agency will consider issues a second time;
- (4) whether an immediate appeal will enhance prospects of settlement.

The failure of a party to apply to the administrative agency or lower court for a determination of finality pursuant to subdivision (c), shall not constitute a waiver and the matter may be raised in a subsequent appeal following the entry of a final order disposing of all claims and all parties.

Where the administrative agency or lower court refuses to amend its order to include the express determination that an immediate appeal would facilitate resolution of the entire case and refuses to enter a final order, a petition for review under Chapter 15 of the unappealable order of denial is the exclusive mode of review to determine whether the case is so egregious as to justify prerogative appellate correction of the exercise of discretion by the lower tribunal. See, e.g., Pa.R.A.P. 1311 Official Note. The filing of such a petition for review does

not prevent the lower Court or other government unit from proceeding further with the matter, pursuant to Pa.R.A.P. 1701(b)(6). Of course, as in any case, the appellant could apply for a discretionary stay of the proceeding below.

Subsection (c)(2) provides for stay of the action pending determination of an application for determination of finality. If a petition for review is filed challenging denial, a stay or supersedeas will issue only as provided under Chapter 17 of these Rules.

In the event that a trial court or other governmental unit enters a final order pursuant to subdivision (c) of this rule, the trial court or other governmental unit may no longer proceed further in the matter, except as provided in Pa.R.A.P. 1701(b)(1)–(5).

The following is a partial list of orders previously interpreted by the courts as appealable as final orders under Rule 341 that are no longer appealable as of right unless the trial court or administrative agency makes an express determination that an immediate appeal would facilitate resolution of the entire case and expressly enters a final order pursuant to Rule 341(c):

- (1) an order dismissing one of several causes of action pleaded in a complaint but leaving pending other causes of action;
- (2) an order dismissing a complaint but leaving pending a counterclaim;
- (3) an order dismissing a counterclaim but leaving pending the complaint which initiated the action;
- (4) an order dismissing an action as to less than all plaintiffs or as to less than all defendants but leaving pending the action as to other plaintiffs and other defendants; and
- (5) an order granting judgment against one defendant but leaving pending the complaint against other defendants; and
- (6) an order dismissing a complaint to join an additional defendant or denying a petition to join an additional defendant or denying a petition for late joinder of an additional defendant.

[The following is a partial list of orders that are no longer appealable as final orders pursuant to Rule 341 but which in an appropriate case might fall under Rules 312 (Interlocutory Appeals by Permission) or 313 (Collateral Orders) of this Chapter.

- (1) a decision transferring an equity action to the law side;**
- (2) an order denying a defendant leave to amend his answer to plead an affirmative defense;**
- (3) a pre-trial order refusing to permit a defendant to introduce evidence of an affirmative defense;**
- (4) an order denying a party the right to intervene;**
- (5) an order denying a petition to amend a complaint;**

- (6) an order requiring the withdrawal of counsel;
- (7) an order denying class certification in a class action case; and
- (8) an order striking a lis pendens.

The dismissal of preliminary objections to a petition for appointment of a board of viewers and the dismissal of preliminary objections to a declaration of taking, formerly appealable as final orders under Rule 341, are now appealable as interlocutory appeals as of right under Rule 311.

Orders formerly appealable under Rule 341 by the Commonwealth in criminal cases as heretofore provided by law, but which do not dispose of the entire case, are now appealable as interlocutory appeals as of right under Subdivision (d) of Rule 311.

The 1997 amendments to subdivisions (a) and (c), substituting the conjunction "and" for "or," are not substantive. The amendments merely clarify that by definition any order which disposes of all claims will dispose of all parties and any order that disposes of all parties will dispose of all claims.]

The 1997 amendment adding subdivision (c)(3) provides for a deemed denial where the trial court or other governmental unit fails to act on the application within 30 days.

[Pa.B. Doc. No. 06-2102. Filed for public inspection October 27, 2006, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Adams County Criminal Rule 528; AD-28-06, Administrative Order No. 28 of 2006

Order of Court

And Now, 5th day of October, 2006, this Court hereby adopts Adams County Criminal Rule 528 as follows:

Rule 528

In addition to the forms of security permitted by Pa.R.Crim.P. 528 to satisfy monetary conditions of bail, a defendant or other surety may deposit the following forms of security in lieu of cash:

- a. Certified Check payable to the Clerk of Courts and issued by a bank with a branch office located in Adams County, when security is being deposited directly with the Clerk of Courts.

b. Money Orders when the Office of the Clerk of Courts is closed for business and security is being deposited at the Adams County Adult Correctional Complex.

This Order shall become effective immediately.

By the Court

JOHN D. KUHN,
President Judge

[Pa.B. Doc. No. 06-2103. Filed for public inspection October 27, 2006, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated October 10, 2006, Ruth Ann Price is Suspended on Consent from the Bar of this Commonwealth for a period of six months, to be effective November 9, 2006. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 06-2104. Filed for public inspection October 27, 2006, 9:00 a.m.]

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that Bernard J. McBride, Jr., having been transferred to disability inactive status in New Jersey by Order of the Supreme Court of New Jersey dated September 21, 2005, the Supreme Court of Pennsylvania issued an Order on October 13, 2006, transferring Bernard J. McBride, Jr., to inactive status, effective immediately, pursuant to Rule 301(c) Pa.R.D.E (relating to disabled attorneys) for an indefinite period and until further Order of the Supreme Court. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 06-2105. Filed for public inspection October 27, 2006, 9:00 a.m.]

PROPOSED RULEMAKING

COUNTY PROBATION AND PAROLE OFFICERS' FIREARM EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CH. 79]

County Probation and Parole Officers' Firearm Education And Training Commission

The County Probation and Parole Officers' Firearm Education and Training Commission (Commission) proposes to add Chapter 79 (relating to County Probation and Parole Officers' Firearm Education and Training Commission) to read as set forth in Annex A.

Authority

The rulemaking is proposed under the County Probation and Parole Officers' Firearm Education and Training Law (act) (61 P. S. §§ 332.1—332.9). Section 5(13) of the act (61 P. S. § 332.5(13)) empowers the Commission "to make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers."

Purpose

This proposed rulemaking implements the act. This proposed rulemaking contains procedures which must be followed by interested third parties and which are directly applicable to the training programs and reimbursement mechanisms that are available for county probation and parole officers. Sections 79.11—79.33 explain the processes involved in obtaining certification to carry firearms from the Commission, maintaining certifications and revocation of these certifications. Sections 79.51 and 79.52 (relating to training expense) explain the procedures applicable to training expense reimbursements. Sections 79.61—79.65 (relating to approval of instructors, schools and vendors) explain the procedures that interested instructors, schools and vendors must follow to be approved for use within the various Commission training and education programs. Sections 79.71—79.87 explain the procedures that persons or schools who are aggrieved by Commission decisions should follow.

Explanation of Regulatory Requirements

Sections 79.1—79.3 (relating to general provisions) provide the scope of the proposed rulemaking and the definitions of words and terms used in Chapter 79.

Sections 79.11—79.15 (relating to initial certification of officers) provide procedures for filing applications so that interested county probation and parole officers may apply to take the basic training program conducted by the Commission. These sections also address the specific requirements that must be met by each county probation and parole officer to be considered certified and the duration of certification. If a county probation and parole officer fails to successfully complete the basic training program, these sections explain the process that must be followed to take the basic training program again.

Sections 79.21—79.24 (relating to maintenance of certification) set forth the requirements that county probation

and parole officers must satisfy each year to maintain their certification to carry a firearm. The sections explain the procedures that must be met to successfully complete firing range requalification examinations and what occurs if a particular county probation and parole officer does not successfully satisfy these procedures. The procedure that must be followed by county probation and parole officers who wish to seek an extension on their certification is also explained within these sections.

Sections 79.31—79.33 (relating to revocation of certification) set forth the reasons that a particular county probation and parole officer's certification to carry a firearm could be revoked.

Sections 79.41—79.44 (relating to recertification of officers following revocation) set forth three different procedures that county probation and parole officers who have had their certification to carry a firearm revoked can follow to be recertified to carry.

Sections 79.51 and 79.52 explain the types of reimbursements that may be made by the Commission to students and instructors, namely for attending or teaching the basic training program. These sections also place limitations on the amount of reimbursements that may be made by the Commission.

Sections 79.61—79.65 explain what criterion is considered by the Commission when approving instructors to conduct various Commission training and education programs. The procedure that interested individuals must follow to be considered for approval is set forth in these sections. These sections also set forth the procedures that schools and vendors must follow to be approved to conduct training and education programs for the Commission. These sections also explain what criteria must be met on a continuous basis for instructors, schools and vendors to remain approved by the Commission. These sections also set forth the procedure that counties in this Commonwealth must follow so that any training and education programs that the county creates and conducts can be an approved Commission course. If a county conducts an FETC training or education program, these sections explain what procedures that county must follow so that the class participants can receive the appropriate Commission recognition of the training or education program.

Sections 79.71 and 79.72 (relating to requests for reconsideration of Commission decisions) explain the reconsideration process that county probation and parole officers or schools who are aggrieved by a Commission decision are to follow.

Sections 79.81—79.87 (relating to notice and hearings) provide appeal procedures.

Affected Parties

The proposed rulemaking is intended to provide guidance and direction to county probation and parole officers pertaining to the processes to be followed so that they can be certified to carry a firearm within their respective counties, maintain certifications and be afforded an opportunity to be heard in the event their certifications are revoked by the Commission. Additionally, the proposed rulemaking is intended to provide guidance and direction to any schools or vendors who wish to be considered for conducting Commission training and education programs.

Fiscal Impact

Commonwealth—The Commission has determined that the proposed rulemaking will have no adverse financial impact on the Commonwealth since all funds budgeted for the Commission are derived from the County Probation and Parole Officers' Firearm Education and Training Fund (Fund), which, under the act, is a restricted receipts account within the General Fund. Moneys for the Fund are derived from costs imposed on a person who accepts Accelerated Rehabilitative Disposition or pleads guilty or nolo contendere or is convicted of a felony or misdemeanor. This fund is used exclusively for the training activities and expenses of the Commission.

Political subdivisions—For counties that choose to carry firearms, the proposed rulemaking is implementing a program that is already in effect and funding for the program is in place in these counties. Therefore, there is no new significant fiscal impact for these counties, either direct or indirect. For counties electing to participate after the implementation of the proposed rulemaking, the start-up costs of participation could be significant depending on numerous variables such as the number of officers or the type of equipment purchased by the county. Accordingly, it is impossible to estimate these costs.

Private sector—The proposed rulemaking will have no adverse fiscal impact on the private sector.

General public—The proposed rulemaking will not impose costs and will have no adverse fiscal impact on the general public.

Cost and Paperwork Requirements

The proposed rulemaking provides guidance and procedural information for implementing a program which is already in effect and for which funding is already in place. Therefore, there will be no new fiscal impact. The proposed rulemaking does not affect the existing reporting, recordkeeping or other paperwork requirements of the Commission, other government units or the general public.

Effective Date

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

Sunset Date

No sunset date has been assigned. The Commission will review the efficacy of these regulations on an ongoing basis.

Contact Person

Interested persons are invited to submit written comments regarding the proposed regulations within 30 days following publication in the *Pennsylvania Bulletin* to the County Probation and Parole Officers' Firearm Education and Training Commission, 1101 S. Front Street, Suite 5600, Harrisburg, PA 17104-2522, Attention: Executive Director, Henry L. Van Brederode.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 11, 2006, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Judiciary. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objec-

tions to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

LARRY STRAITIFF,
Chairperson

Fiscal Note: 41-18. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 37. LAW**

PART II. BOARD OF PROBATION AND PAROLE
CHAPTER 79. COUNTY PROBATION AND PAROLE
OFFICERS' FIREARM EDUCATION AND
TRAINING COMMISSION

GENERAL PROVISIONS

- 79.1. Scope.
- 79.2. Definitions.
- 79.3. Enrollment.

INITIAL CERTIFICATION OF OFFICERS

- 79.11. Certification.
- 79.12. Applications.
- 79.13. Requirements for completion.
- 79.14. Duration of certification.
- 79.15. Failure to complete basic training.

MAINTENANCE OF CERTIFICATION

- 79.21. Maintenance of certification.
- 79.22. Range requalification examinations.
- 79.23. Failure to complete range requalification or in-service training.
- 79.24. Extensions.

REVOCATION OF CERTIFICATION

- 79.31. Reasons for revocation of certification.
- 79.32. Revocation of certification for failure to pass range requalification examination.
- 79.33. Revocation of certification for failure to submit a timely request.

RECERTIFICATION OF OFFICERS FOLLOWING REVOCATION

- 79.41. Failure to achieve a passing score on a range requalification examination.
- 79.42. Failure to complete range requalification within required time frames.
- 79.43. Failure to meet mandatory in-service training requirements.
- 79.44. Nonrecertifiable revocations.

TRAINING EXPENSE

- 79.51. Reimbursement of expenses.
- 79.52. Reimbursement limitations.

APPROVAL OF INSTRUCTORS, SCHOOLS AND VENDORS

- 79.61. Approval of instructors.
- 79.62. Approval of schools and vendors.
- 79.63. Requirements for in-service training courses.
- 79.64. County-conducted basic training.
- 79.65. County-conducted in-service training.

RECONSIDERATION OF COMMISSION DECISIONS

- 79.71. Decisions of instructors.
- 79.72. Procedure for officers or schools seeking reconsideration.

NOTICE AND HEARINGS

- 79.81. General Rules of Administrative Practice and Procedure.
- 79.82. Notice.
- 79.83. Appointment of hearing examiner.
- 79.84. Hearings.
- 79.85. Continuances.
- 79.86. Failure to appear at a hearing.
- 79.87. Hearing examiner recommendation.

GENERAL PROVISIONS**§ 79.1. Scope.**

This chapter sets forth standards and procedures relating to the certification of county probation and parole officers and their qualification to carry or use firearms in the performance of their duties.

§ 79.2. Definitions.

(a) The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The County Probation and Parole Officers' Firearm Education and Training Law (61 P. S. §§ 332.1—332.9).

Basic training—The initial training provided by the Commission.

CFI—Certified Firearms Instructor—A firearms instructor who meets the minimum qualifications for instructors as established by the Commission.

County-conducted training—Commission-approved training not presented by the Commission.

Executive Director—The administrative officer reporting directly to the Commission who is responsible for program management.

In-service training—The continuing training necessary for county probation and parole officers to maintain certification under the act.

MI—Master Instructor—A Commission-CFI who meets the minimum qualifications to become an MI.

(b) The definitions in section 2 of the act (61 P. S. § 332.2) are incorporated by reference.

§ 79.3. Enrollment.

Enrollment in programs under this part will be at the discretion of the Executive Director.

INITIAL CERTIFICATION OF OFFICERS**§ 79.11. Certification.**

Certification of those county probation/parole officers who have satisfactorily completed basic training or who have been granted a waiver by the Commission will be recognized through the issuance of a certificate, which will bear a certification number.

§ 79.12. Applications.

(a) The requirements for program participation or waiver in section 7 of the act (61 P. S. § 332.7) are incorporated by reference.

(b) Application procedures to participate in training programs approved by the Commission will require any officer or county, or both, to submit information required on a form and in a format and within time parameters as specified by the Executive Director.

§ 79.13. Requirements for completion.

Satisfactory completion is defined as meeting the following requirements:

(1) Attendance at the entire prescribed training program.

(2) Compliance with Student Code of Conduct for the programs as established by the Commission.

(3) If applicable, attainment of a passing score on any and all written, oral or range components of a training program.

§ 79.14. Duration of certification.

The certification of officers by the Commission as a result of satisfactory completion of the basic training during a calendar year will remain valid through December 31 of the following calendar year, unless revoked under § 79.31 (relating to reasons for revocation of certification).

§ 79.15. Failure to complete basic training.

(a) An officer who fails to achieve a passing score on the written examination portion of basic training will not be allowed to continue in that basic training program. The officer may reapply to the Commission to enroll and participate in subsequent basic training programs.

(b) If an officer achieves a passing score on the written examination, but otherwise fails to complete the basic training for the reasons under § 79.13 (relating to requirements for completion), the officer's passing score will be recognized by the Commission for 1 year from the date of attainment of the passing score on the written examination. If the officer enrolls in a subsequent basic training program during this 1-year period, the officer will be required to attend and complete only the portion of the basic training that was not successfully completed.

(c) If an officer fails to achieve a passing score on the range portion of basic training, the Executive Director will notify the officer's chief probation officer, by means of certified mail, that the officer did not achieve a passing score on this portion of basic training.

(d) An officer who fails to achieve a passing score on the firing range portion of basic training may be afforded one additional opportunity to shoot the firing range portion of basic training within 90 calendar days from the date the officer fails to achieve a passing score if the officer's chief probation officer submits a request to the Executive Director seeking permission for the officer to shoot the firing range portion of basic training within 45 calendar days of the date that the officer failed to achieve a passing score.

(1) The request must include the following:

(i) A proposed date, time and location for the shoot.

(ii) The name of the CFI who will conduct the examination.

(iii) A written statement from a CFI that the CFI provided remedial range training and that the officer is competent to pass the firing range portion of basic training.

(2) The examination may be subject to monitoring by the Commission without notice.

MAINTENANCE OF CERTIFICATION**§ 79.21. Maintenance of certification.**

(a) To maintain certification beyond December 31 of the calendar year following the issuance of the original certification or renewed certification, an officer shall successfully complete the following:

(1) In-service training, the specifics of which the Commission will publish by the end of the first quarter of each calendar year.

(2) A range requalification examination under § 79.22 (relating to range requalification examinations).

(b) This section does not apply to the extent an officer's certification is revoked under § 79.31 (relating to reasons for revocation of certification).

§ 79.22. Range requalification examinations.

(a) Range requalification examinations will require the officer to demonstrate continuing proficiency which includes weapons handling, range safety and marksmanship.

(b) A range requalification examination shall be completed during a Commission conducted event or a training event sanctioned by the Commission.

(c) Range requalification examinations must be conducted between April 1 and October 31 each calendar year.

(d) The course of fire for the range requalification examination shall be conducted using the same procedures that are followed for the firing range portion of basic training.

(e) Counties or departments desiring to conduct a range requalification examination shall follow an application process specified by the Commission.

(1) The first time that a county or CFI conducts a Commission-sanctioned range requalification examination, oversight must be provided by a member of the Commission, a Commission-approved representative, or a CFI who is not employed by the county or counties whose personnel are being examined.

(2) In subsequent years, the county may conduct the Commission-sanctioned range requalification examination without oversight.

(3) Any county conducting Commission-sanctioned range requalification examinations is subject to periodic inspection and audit by the Executive Director or a representative of the Commission.

§ 79.23. Failure to complete range requalification or in-service training.

(a) An officer who fails to achieve a passing score on any evaluation, which is a part of the range requalification examination or in-service training, will be permitted one additional opportunity to achieve a passing score on the portion failed.

(b) An officer who fails to satisfactorily complete an in-service training requirement will not receive credit for the Commission-specified number of hours of training for that course, and may be subject to revocation of certification under §§ 79.31—79.33 (relating to revocation of certification).

§ 79.24. Extensions.

(a) An officer who is unable to comply with § 79.21 (relating to maintenance of certification) due to extraordinary circumstances may, through the officer's chief probation officer, submit a written request, on a form and in a format prescribed by the Executive Director, to the Executive Director by October 31 of the year in which the officer's current certification will expire.

(1) The request must include the following:

(i) The specific reason for the requested extension of time.

(ii) The specific length of time of the requested extension.

(iii) Supporting documentation.

(2) When the request is due to medical reasons, the supporting documentation must include a written statement from the officer's physician indicating that at the present time and for the period of the requested extension the officer is not medically capable of participating in a range requalification examination or in-service training.

(b) The Executive Director will review the written request for extension of time and make a recommendation to the Commission. The Commission will provide written notification to the officer and the officer's chief probation officer of its decision.

(c) If the request for extension is approved, the officer shall comply with § 79.21 (relating to maintenance of certification) no later than the ending date of the granted period of extension.

(d) If the extension is to comply with § 79.21(2), the officer's chief probation officer shall send a request to the Executive Director to conduct a range requalification examination.

(1) The Executive Director must receive the request no later than 15 business days prior to the date of the range requalification examination.

(2) The range requalification examination may occur at any time during the period of the Commission-approved extension.

(e) The certification of an officer who has been granted an extension under § 79.24 (relating to extensions) shall be suspended on October 31 of the year in which the officer's current certification expires.

REVOCATION OF CERTIFICATION

§ 79.31. Reasons for revocation of certification.

The Commission may revoke an officer's certification for any reason including any of the following:

(1) Conviction of any crime that subjects the officer to the disabilities under the Gun Control Act of 1968 (18 U.S.C.A. §§ 921—930), or 18 Pa.C.S. Chapter 61, Subchapter A (relating to the Uniform Firearms Act of 1995), or both.

(2) Unsafe conduct during any Commission training.

(3) Unprofessional conduct during a Commission-sponsored event.

(4) Providing false or misleading information, either orally or in writing, to the Commission, its employees or agents.

(5) Failure on the part of a county, an individual officer or group of officers to timely comply with requests for information which may be made from time to time by the Commission.

§ 79.32. Revocation of certification for failure to pass range requalification examination.

(a) The Executive Director, upon receipt of the range requalification examination results, will immediately revoke the certification of an officer who fails to requalify.

(b) The officer who has failed to requalify will be notified of the revocation of certification in writing.

(1) Copies of the revocation notification will be sent to the chief probation officer and president judge of the officer's employing county and judicial district.

(2) The notice of revocation of certification will advise the officer that one additional opportunity to successfully complete the range requalification examination is avail-

able after the officer participates in Commission-sanctioned remedial training.

(i) Before an officer takes a Commission-sanctioned remedial training, a CFI, who has previously conducted remedial training, shall provide written documentation to the Executive Director stating that the officer to be reexamined has demonstrated sufficient improvement which warrants another opportunity to take a requalification reexamination.

(ii) The requalification examination must occur within no more than 60 days of the initial failure of the range requalification examination.

(iii) Range requalification examinations will not be permitted after October 31 of the calendar year in which the failure occurred.

(c) Unless the officer successfully completes the range requalification examination after completion of the Commission-sanctioned remedial training, the revocation of certification will remain in effect.

§ 79.33. Revocation of certification for failure to submit a timely request.

If the officer's chief probation officer fails to submit a request for a range requalification examination to the Executive Director prior to the expiration of the extension period granted by the Commission under § 79.24 (relating to extensions), the officer's certification will be immediately revoked upon expiration of the extension period and no further extensions will be granted.

**RECERTIFICATION OF OFFICERS
FOLLOWING REVOCATION**

§ 79.41. Failure to achieve a passing score on a range requalification examination.

When an officer's certification has been revoked due to the officer's failure to achieve a passing score under § 79.23 (relating to failure to complete range requalification or in-service training), the officer seeking recertification shall do the following:

(1) Submit an application to the Executive Director in a form approved by the Executive Director. The application must be co-signed by the chief probation officer who states that the officer is competent and safe to participate in Commission training activities.

(2) Enroll in, attend and satisfactorily complete a Commission-sponsored basic training.

§ 79.42. Failure to complete range requalification within required time frames.

(a) When an officer's certification has been revoked due to the officer's failure to meet the range requalification requirements in § 79.22 (relating to range requalification examinations), the officer seeking recertification shall do the following:

(1) Submit an application to the Executive Director within 20 calendar days of the effective date of the revocation of certification. The application must be in a form approved by the Executive Director and co-signed by the chief probation officer.

(2) Pass any written examinations, as described in § 79.13 (relating to requirements for completion). The examinations will be administered by the Executive Director, a designee or other authorized Commission staff or a Commission member.

(3) Successfully complete the range requalification requirements in § 79.22.

(b) The requirements for recertification in § 79.42 (relating to failure to complete range requalification within required time frames) shall be completed within the time frame specified by the Executive Director, but in no case later than March 31st of the year in which the application is filed with the Executive Director.

§ 79.43. Failure to meet mandatory in-service training requirements.

(a) When an officer's certification is revoked due to the officer's failure to meet any mandatory in-service training requirements established by the Commission, the officer seeking recertification shall do the following:

(1) Submit an application to the Executive Director which must be in a form approved by the Executive Director and also co-signed by the chief probation officer.

(2) Enroll in, attend and complete a Commission-sponsored basic training program, or enroll in, attend and complete the next available offerings of any mandatory in-service training, which were not completed as required by the Commission.

(3) Successfully complete the range requalification examination in § 79.22 (relating to range requalification examinations).

(b) The requirements for recertification in § 79.43 (relating to failure to meet mandatory in-service training requirements) shall be completed within a time frame established at the discretion of the Executive Director.

§ 79.44. Nonrecertifiable revocations.

When an officer's certification is revoked under § 79.31(a) or (d), or both (relating to reasons for revocation of certificate), the officer shall be ineligible for recertification.

TRAINING EXPENSE

§ 79.51. Reimbursement of expenses.

(a) Subject to the availability of funds, the Commission may assume the costs or reimburse expenses incurred, or both, during an officer's attendance at a basic training program or in-service training (including range requalification). The reimbursement will not include personnel costs. Expenses determined eligible by the Commission will be reimbursed at rates that are currently recognized by the Commonwealth, but will, from time to time, be further specified by the Commission.

(b) Instructors are not eligible for Commission reimbursement for any expenditure incurred when engaged in county-conducted basic training under § 79.64 (relating to county-conducted basic training) or an in-service training course developed by an entity other than the Commission or a Commission-approved vendor under § 79.63 (relating to requirements for in-service training courses) or county-conducted in-service training under § 79.65 (relating to county-conducted in-service training).

(c) Students are not eligible for Commission reimbursement for any expenditure incurred when they participate in county-conducted basic training under § 79.64 or an in-service training course developed by an entity other than the Commission or a Commission-approved vendor under § 79.63 or county-conducted in-service training under § 79.65.

(d) The Commission may reimburse, in accordance with Commission policies in effect on the dates of the county-conducted basic training or county-conducted in-service training, the county for selected expenditures associated with the county-conducted basic training or county-

conducted in-service training, or both. The reimbursement will be solely at the discretion of the Commission.

§ 79.52. Reimbursement limitations.

The Commission will assume only the costs or reimburse eligible training expenses, or both, incurred for an officer's initial basic training. Reimbursement of expenses will be contingent upon the county's compliance with all Commission regulations, policies and procedures and upon the satisfactory submission of any requested information, data, forms, reports or documents. Commission reimbursement for ammunition and lodging is available for only one basic training per officer.

APPROVAL OF INSTRUCTORS, SCHOOLS AND VENDORS

§ 79.61. Approval of instructors.

(a) An individual seeking approval to become a CFI or MI in programs offered by the Commission shall submit an application to the Executive Director on forms established by the Commission. An individual may apply for designation as an Academic CFI, Range CFI, or both, or as an MI.

(1) *Minimum qualifications for Academic CFI.* The application for approval as an Academic CFI in areas of instruction other than range firearms techniques will include, but not be limited to, a resume or materials, or both, which evidence the education, qualifications and experience deemed appropriate by the Commission for the particular area of instruction.

(2) *Minimum qualifications for Range CFI.* The application for approval as a Range CFI in any Commission training, waiver or requalification examination program will include, but not be limited to, verification that the applicant has satisfactorily completed a law enforcement firearms instructor training course offered by entities such as: FBI, Pennsylvania State Police, National Rifle Association or any other course which from time to time may be approved by the Commission and documentation that the applicant has conducted at least 12 hours of law enforcement firearms instruction within the 24 months preceding the application submission date.

(3) *Minimum qualifications for an MI.* The applicant shall be a Commission CFI and submit an application for designation as an MI to the Executive Director. The applicant shall have been a lead instructor for the academic/classroom portion of a Commission basic training program and a range master for the range portion of the training.

(b) Certifications for both CFI and MI will be for 36 months following approval by the Commission unless sooner revoked by the Commission.

(c) To renew certification, an instructor shall be required to submit an application for renewal of certification. The application must at least include documentation demonstrating that the instructor has provided the following:

(1) For CFI certification renewal, a minimum of 6 hours of relevant academic instruction and a minimum of 6 hours of range firearms instruction to county probation personnel in the preceding 36 months.

(2) For MI certification renewal, a minimum of 12 hours of relevant academic instruction and a minimum of 12 hours of range firearms instruction to county probation personnel in the preceding 36 months.

(d) The Commission reserves the right to revoke its certification of any CFI or MI, or both, without notice.

§ 79.62. Approval of schools and vendors.

(a) Schools certified under 53 Pa.C.S. §§ 2162—2171 (relating to municipal police education and training) are preapproved to conduct training as the Commission may, from time to time and in particular geographic areas of this Commonwealth, require.

(b) Vendors and other entities may become approved to conduct Commission training, as the needs of the Commission dictate, through the Commonwealth's competitive bid process. Selected vendors will enter into a contract with the Commission to conduct specific training, to a particular population, for a specific period of time and to contractual standards. Approval of these entities to conduct Commission training may terminate upon expiration of the contract.

(c) Schools and vendors conducting training for the Commission shall use only instructors and curricula which have been preapproved by the Commission.

(d) Training conducted by a school or vendor must be approved and scheduled through the Executive Director, in writing, prior to any advertisement, registration or other obligation for that training.

(e) The Commission will inspect each approved school or vendor actively providing training at least once every 2 years, but reserves the right to monitor, without notice, training conducted by approved schools or vendors, and to review and inspect related program records, materials and facilities at any time.

(f) The Commission reserves the right to suspend or revoke the approval of school or vendor without notice.

§ 79.63. Requirements for in-service training courses.

(a) To receive credit towards Commission mandated in-service training, counties shall obtain preapproval from the Commission to conduct an in-service training course developed by an entity other than the Commission or a Commission-approved school or vendor.

(b) Counties seeking approval of an in-service training course developed by an entity other than the Commission or a Commission-approved school or vendor shall submit an application to the Executive Director at least 90 calendar days prior to the first proposed day of training. The application must be in a format and follow procedures established by the Executive Director.

(c) Upon approval by the Commission, the approved in-service training course may be conducted by the county in accordance with § 79.65 (relating to county-conducted in-service training).

(d) The Commission prior to the first proposed day of training must approve changes or modifications to the in-service training course that is approved by the Commission.

§ 79.64. County-conducted basic training.

(a) Basic training conducted by a county must be carried out in accordance with policies and procedures established by the Commission.

(b) An MI shall supervise all county-conducted basic training.

(c) A county desiring to conduct basic training shall submit an application for county-conducted basic training, including the required documentation, to the Executive Director on forms and under procedures established by the Executive Director.

(d) County-conducted basic training must be conducted on training sites, both classroom and range, that meet Commission standards and are preapproved by the Executive Director.

(e) Only students who have submitted a basic training application, which has been approved by the Executive Director, shall participate in a county-conducted basic training.

(f) The entire county-conducted basic training must be completed within 30 consecutive calendar days and on the dates, times and at locations specified in the application.

(g) Upon request of the Executive Director or at the conclusion of the training, the county shall submit all forms and materials required by the Executive Director in the time frame specified.

(h) A county that is conducting an approved basic training may accept any Commission-approved student for participation in the training.

(i) Materials to support county-conducted basic training may be provided to the county by the Commission solely at the discretion of the Commission.

(j) The Commission reserves the right to monitor and inspect all aspects of county-conducted basic training without notice to the county that is conducting the training.

§ 79.65. County-conducted in-service training.

(a) Counties may conduct in-service training courses that have been approved and adopted by the Commission in accordance with policies and procedures established by the Commission.

(b) An MI shall supervise county-conducted in-service training.

(c) A county desiring to conduct in-service training shall submit an application for county-conducted in-service training, including the required documentation, to the Executive Director on forms and following procedures as established by the Executive Director.

(d) County-conducted in-service training must be conducted on training sites, both classroom and range, that meet Commission standards and are preapproved by the Executive Director.

(e) Only students who have submitted an application for in-service training that has been approved by the Executive Director shall participate in county-conducted in-service training.

(f) The entire county-conducted in-service training shall be completed within 30 consecutive calendar days and on the dates, times and at the locations specified in the application.

(g) Upon request of the Executive Director or at the conclusion of the training, the county shall submit the forms and materials required by the Executive Director in the time frame specified.

(h) A county that is conducting approved in-service training may accept any Commission-approved student for participation in the training.

(i) Materials to support county-conducted in-service training may be provided to the county by the Commission solely at the discretion of the Commission.

(j) The Commission reserves the right to monitor and inspect all aspects of any county-conducted in-service training without notice to the county conducting the training.

RECONSIDERATION OF COMMISSION DECISIONS

§ 79.71. Decisions of instructors.

Commission instructors have the authority to summarily and immediately terminate an officer's participation in any Commission-sanctioned training activity if any Commission instructor believes, in the Commission instructor's sole discretion, that an officer presents a safety concern, disrupts the learning environment or violates the Commission's Student Code of Conduct.

§ 79.72. Procedure for officers or schools seeking reconsideration.

(a) *Procedure.* An officer or school shall first seek reconsideration of a Commission decision through a letter-ruling process, which consists of the following steps:

(1) The officer or school shall submit to the Executive Director a written request for reconsideration no later than 20 days after mailing of a Commission notice, which results in adverse action for the school or individual.

(2) The request for reconsideration must be in a format acceptable to the Executive Director and must, at a minimum, contain the following details:

(i) The name, address, telephone number and electronic mail address of the aggrieved individual or school.

(ii) A copy of the Commission notice, which results in adverse action for the school or individual.

(iii) A concise and thorough explanation of the basis for the request for reconsideration.

(iv) The relief being sought.

(3) The Commission will review the request for reconsideration at its next regularly scheduled meeting. The individual or entity seeking reconsideration will be notified of the time and place of the meeting.

(4) Following review of the request for reconsideration, the Commission will render a decision regarding the request for reconsideration. Within 10 days of the date of the decision, the Commission will forward to the individual or entity, by means of certified mail, return receipt requested, a letter ruling specifying the decision and the reasons for the Commission's decisions and explaining the right to a formal hearing if the individual/school does not accept the results set forth in the letter.

(5) Results and opinion in letter-rulings will have no precedential authority and are subject to withdrawal or change at any time to conform to new or different interpretations of the law.

(b) *Cross-reference.* This section supplements 1 Pa. Code § 35.10 (relating to form and content of formal complaint).

NOTICE AND HEARINGS

§ 79.81. General Rules of Administrative Practice and Procedure.

Title 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) is applicable to the proceedings of the Commission insofar as it is not superseded by §§ 79.82—79.87.

§ 79.82. Notice.

(a) If an officer or school wishes to pursue an appeal to a formal hearing, the officer or school shall submit to the Executive Director a written request for hearing no later than 30 calendar days after mailing of the Commission's letter-ruling regarding the request for reconsideration.

(b) A request for hearing must be in writing and contain at least the following information:

(1) The name, address, telephone number and electronic mail address of the officer or school filing the written request for hearing.

(2) A copy of the Commission's letter-ruling on the request for reconsideration.

(3) A concise statement of the complaint.

(4) A concise statement of the relevant facts and the grounds upon which the complaint is based.

(5) The relief being sought.

(c) The date of receipt by the Executive Director of the written hearing request from the officer or school and not the date of deposit in the mails is determinative of a timely request for a hearing.

(d) This section supplements 1 Pa. Code § 35.10 (relating to form and content of formal complaints).

§ 79.83. Appointment of hearing examiner.

(a) When the Executive Director receives a request for hearing, the Commission's Chairperson or a designee will appoint a hearing examiner to preside over the formal hearing.

(b) It will be the responsibility of the appointed hearing examiner to schedule the hearing and conduct it in accordance with this section and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(c) Subsection (a) supplements 1 Pa. Code § 35.185 (relating to designation of presiding officers). Subsection (b) supplements 1 Pa. Code § 35.187 (relating to authority delegated to presiding officers).

§ 79.84. Hearings.

(a) Hearings will be conducted in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

(b) Legal counsel may represent the aggrieved individual or entity and the costs incurred for the representation shall be borne by the individual or entity.

(c) The hearing examiner will notify the aggrieved individual and, if applicable, the aggrieved entity and the Commission of the date, time and location of the hearing at least 60 days prior to the selected date. A courtesy copy will be forwarded to the appropriate chief probation officer and president judge. This subsection supersedes 1 Pa. Code § 35.105 (relating to notice of non-rulemaking proceedings).

(d) A prehearing conference may be held at the discretion of the hearing examiner. This subsection is identical to 1 Pa. Code § 35.111 (relating to conferences to adjust, settle or expedite proceedings).

§ 79.85. Continuances.

(a) Continuances of hearings conducted under this section will only be granted upon a showing of good cause by the party requesting the continuance.

(b) Requests for continuances must be made in writing to the hearing examiner.

(c) A party's objections, if any, to a request for a continuance must be in writing and delivered to the hearing examiner and the other party. Objections shall be made immediately upon receipt of notification of a request for a continuance.

(d) This section supersedes 1 Pa. Code § 31.15(b) (relating to extension of time).

§ 79.86. Failure to appear at a hearing.

(a) If an officer or school or the officer's or school's representative fails to appear at the scheduled hearing without good cause, as determined by the hearing examiner, the request for hearing will be deemed abandoned and be dismissed with prejudice.

(b) If the Commission fails to appear at the hearing without good cause as determined by the hearing examiner, the hearing will proceed in absentia.

(c) If neither the officer or school nor the Commission or their representatives appear at the hearing, the hearing examiner will reschedule the hearing.

§ 79.87. Hearing examiner recommendation.

(a) Within 30 days of conclusion of the hearing, the hearing examiner will propose findings of fact and conclusions of law to the Commission.

(b) Upon receipt and after review of the hearing examiner's proposed findings of fact and conclusions of law and any exceptions and briefs, which may be submitted by either party, the Commission, or its designees, will issue a final adjudication.

(c) The Executive Director shall forward the final adjudication to the officer or school, or their legal counsel, if the officer or school has made the Executive Director aware of the representation, and the appropriate chief probation officer and president judge.

(d) The officer, school or Commission have the right to appeal the final adjudication in accordance with Pa.R.A.P. and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law).

[Pa.B. Doc. No. 06-2106. Filed for public inspection October 27, 2006, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 461 AND 463]

Slot Machines Testing and Control; Possession of Slot Machines

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(14) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207 and 1320 (relating to regulatory authority of board; and slot machine testing and certification standards), proposes to add Chapters 461 and 463 (relating to slot machine testing and control; and possession of slot machines) to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

Under the authority granted to the Board under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board initially adopted temporary regulations in Chapter 461 at 35 Pa.B. 4045 (July 16, 2005) and temporary regulations in Chapter 463 at 35 Pa.B. 6619 (December 3, 2005). Under 4 Pa.C.S. § 1203(b), the temporary regulations expire on July 5, 2007.

The Board is proposing to replace the temporary regulations with the permanent regulations in this proposed rulemaking.

Explanation of Chapters 461 and 463

Chapter 461 contains the requirements for testing and approval of slot machines and associated equipment that must be met prior to use in this Commonwealth. It contains specific provisions that apply to slot machines, gaming vouchers, coupons, automated gaming voucher and coupon redemption machines, progressive slot machines, wide area progressive systems, slot monitoring systems, casino management systems, player tracking systems, external bonusing systems, cashless funds transfer systems, server supported and server based slot systems, automated jackpot payout machines, remote system access and use of alterable storage media.

Chapter 463 contains general provisions governing who may possess slot machines in this Commonwealth. It also outlines procedures and reporting requirements for transporting slot machines and for tracking the location of slot machines in this Commonwealth.

Amendments to the temporary regulations in this proposed rulemaking include a large number of editorial changes intended to improve the clarity of the language contained in the existing temporary regulations. Additionally, a number of definitions have been moved from the body of the regulations in Chapter 461 to § 461.1 (relating to definitions).

Affected Parties

This proposed rulemaking imposes performance standards that slot machines and associated equipment will have to meet before manufacturers can offer their products for sale and use in this Commonwealth. Suppliers and slot machine licensees will be affected because they can only sell or purchase products that have been tested and approved for use in this Commonwealth.

Fiscal Impact

Commonwealth

Most of the Commonwealth's costs associated with this proposed rulemaking will be incurred by the Board's Gaming Laboratory Operations Bureau which is responsible for testing slot machines and associated equipment and tracking the location and movement of slot machines.

The Department of Revenue will also experience some cost related to the testing of slot machines for compliance and compatibility with the central control computer system.

Law enforcement agencies authorized by the Board to possess slot machines will experience some reporting costs.

Political Subdivisions

This proposed rulemaking will have no fiscal impact on political subdivisions of the Commonwealth.

Private Sector

Manufacturers will experience significant costs associated with the testing and approval of their products by the Board. The Board is developing a schedule of fees based upon the time required for the testing of various types of equipment. Therefore, the costs incurred by an individual manufacturer will be a function of the number of products submitted for testing. Costs for the Gaming Laboratory that are not covered by fees will be assessed on manufacturers as required by 4 Pa.C.S. § 1320(b).

Manufacturers, suppliers and slot machine licensees will experience some costs associated with the submission of reports prior to the transportation of slot machines and submission of monthly reports specifying the location and other data for all slot machines in their possession.

Educational institutions authorized by the Board to possess slot machines will experience some reporting costs.

General Public

This proposed rulemaking will have no fiscal impact on the general public.

Paperwork Requirements

This proposed rulemaking will require manufacturers to provide extensive documentation in the form of operating manuals, wiring diagrams, and the like, needed to test their equipment.

Manufacturers, suppliers and slot machine licensees will be required to complete and submit reports prior to the transportation of slot machines and will have to submit monthly reports specifying the location and other data for all slot machines in their possession.

Educational institutions and law enforcement agencies authorized to possess slot machines will also have to submit monthly reports specifying the location and other data for slot machines in their possession.

Effective Date

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-48.

Contact Person

The contact persons for questions about this proposed rulemaking are Richard Sandusky, Director of Regulatory Review, (717) 214-8111, and Michelle Afragola, Deputy Director of Regulatory Review, (610) 943-1338.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 27, 2006, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Review Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Tourism and Recreational Development Committee and the Senate Committee on Rules and Executive Nominations. A copy of this material is available to the public upon request and will be posted on the Board's website.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

THOMAS A. DECKER,
Chairperson

Fiscal Note: 125-48. (1) State Gaming Fund; (2) Implementing Year 2006-07 is \$963,000; (3) 1st Succeeding Year 2007-08 is \$1,573,000; 2nd Succeeding Year 2008-09 is \$1,623,120; 3rd Succeeding Year 2009-10 is \$1,675,245; 4th Succeeding Year 2010-11 is \$1,729,455; 5th Succeeding Year 2011-12 is \$1,785,833; (4) 2005-06 Program—\$23,000,000; 2004-05 Program—\$13,200,000; 2003-04 Program—\$2,900,000; (7) Board Budget; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 461. SLOT MACHINE TESTING AND CONTROL

| Sec. | |
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| 461.1. | Definitions. |
| 461.2. | Protocol requirements. |
| 461.3. | Testing and approval generally. |
| 461.4. | Submission for testing and approval. |
| 461.5. | Slot machine conversions. |
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| 461.7. | Slot machine minimum design standards. |
| 461.8. | Gaming vouchers. |
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| 461.10. | Automated gaming voucher and coupon redemption machines. |
| 461.11. | Automated gaming voucher and coupon redemption machines: accounting controls. |
| 461.12. | Progressive slot machines. |
| 461.13. | Wide area progressive systems. |
| 461.14. | Slot monitoring systems. |
| 461.15. | Casino management systems. |
| 461.16. | Player tracking systems. |
| 461.17. | External bonusing systems. |
| 461.18. | Cashless funds transfer systems. |
| 461.19. | Remote system access. |
| 461.20. | Server supported slot systems. |
| 461.21. | Server based slot systems. |
| 461.22. | Automated jackpot payout machines. |
| 461.23. | Slot machines and associated equipment utilizing alterable storage media. |
| 461.24. | Waivers. |
| 461.25. | Disputes. |

§ 461.1. Definitions.

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

Asset number—A unique number assigned to a slot machine by a slot machine licensee for the purpose of tracking the slot machine while owned by the slot machine licensee.

Automated jackpot payout machine—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the payment of a jackpot that is not totally and automatically paid directly from a slot machine.

Cashless funds transfer system—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the electronic transfer of cashable or noncashable credits to a patron at a slot machine in connection with a promotional program.

Casino management system—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, report and audit data with regard to activity at slot machines, inclusive of slot machine level accounting transactions, player tracking and productivity analysis.

Conversion—A change or alteration to a slot machine that does not affect the manner or mode of play or operation of the slot machine.

Coupon—An instrument issued by a slot machine licensee under which cashable or noncashable slot machine credits are provided directly or indirectly to a patron with or without regard to the identity of the patron or the patron's level of gaming activity.

Coupon system—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the issuance of coupons, the acceptance of a coupon by a slot machine or its redemption at an automated coupon redemption machine, cashiers' cage or other locations, and in an alternative manner approved by the Board.

Double-up—An optional wager on a slot machine in which the player has a mathematically equal probability of winning or losing the wager.

External bonusing system—The collective hardware, software, communications technology and other ancillary equipment used in conjunction with slot machines to deliver randomly selected player incentives (bonus awards) to active slot machine players and to effect the accurate metering of the bonus award event on the slot machine.

Gaming voucher—An instrument that upon insertion into a slot machine bill validator entitles the patron inserting the gaming voucher to cashable or noncashable credits on a slot machine corresponding to the value printed on the gaming voucher.

Gaming voucher system—The collective hardware, software, communications technology and other ancillary equipment used to facilitate the issuance of gaming vouchers and the redemption of gaming vouchers by slot machines, automated gaming voucher redemption machines, the cashiers' cage or in other locations, and in alternative manners, as approved by the Board.

Modification—A change or alteration in a slot machine or associated equipment that affects the manner or mode of play or operation of the slot machine or associated equipment.

(i) The term includes a change to control or graphics programs and to the theoretical hold percentage.

(ii) In the case of slot machines, the term does not include:

(A) A conversion.

(B) Replacement of one approved component with an identical component.

(iii) In the case of a wide area progressive system, the term includes a change in:

(A) A system name or theme.

(B) The odds to win the progressive payout.

(C) The reset amount.

(D) The progressive rate.

(E) The wager necessary to win the progressive payout.

Player tracking system—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report and audit data with regard to player activity at slot machines. Player activity may be tracked generally or on an individual player basis.

Randomness—The observed unpredictability and absence of pattern in a set of elements or events that have definite probabilities of occurrence.

Skill—The application of intelligence and specific knowledge to achieve the best result when a slot machine offers a choice of options during game play.

Slot Lab—The Gaming Laboratory Operations Bureau of the Board.

Slot monitoring system—The collective hardware, software, communications technology and other ancillary equipment used to collect, monitor, interpret, analyze, authorize, report and audit data with regard to activity at slot machines, inclusive of slot machine meter readings, error conditions, slot machine security, accounting, player tracking and productivity analysis.

Strategy choice—A particular play option on a slot machine that requires the use of skill to consistently achieve the best result.

Theme—A concept, subject matter and methodology of design of a slot machine.

Wager—Placing at risk in a slot machine a coin, bill, ticket, gaming voucher, coupon, or similar object or, upon payment of any consideration, including the use of cashless funds transfer systems and external bonusing systems.

§ 461.2. Protocol requirements.

In accordance with section 1324 of the act (relating to protocol information), manufacturer licensees and supplier licensees shall be required to enable all slot machines to communicate with the Department's central control computer for the purpose of transmitting auditing program information and activating and disabling slot machines.

§ 461.3. Testing and approval generally.

(a) In accordance with section 1320 of the act (relating to slot machine testing and certification standards), the Board will determine the manner and scope in which slot machines are to be tested and approved prior to operation and use in a licensed facility in this Commonwealth.

(b) Slot machines operated in this Commonwealth must be approved by the Board.

(c) The Board has the authority to require one or more of the following procedures:

(1) An abbreviated testing and approval process in accordance with § 461.4(g) (relating to submission for testing and approval).

(2) Testing and approval in accordance with § 461.4(i).

(3) Utilize the services of a Board-approved private slot machine testing facility to conduct the testing until a slot machine testing facility is established by the Board.

(d) On or before July 5, 2007, the Board will establish and maintain an independent slot machine testing facility. The cost of establishment and operation of the facility shall be paid by each manufacturer licensee in accordance with a schedule adopted by the Board.

(e) The Board will require payment of all costs for the testing and approval of slot machines and associated equipment in accordance with a schedule adopted by the Board.

(f) The Board will require a manufacturer licensee seeking approval of a slot machine or associated equipment to pay all costs of transportation, inspection and testing.

§ 461.4. Submission for testing and approval.

(a) A slot machine or associated equipment identified in subsection (c) (collectively referred to as "products" or "equipment, device or software"), or a modification thereto, may not be offered for sale, lease or distribution for ultimate use by a slot machine licensee in this Commonwealth unless a prototype identical in all mechanical, electrical, electronic and other respects has been tested and approved by the Board.

(b) When an applicant for, or holder of, a slot machine license develops software or a system that is functionally equivalent to any of the slot systems enumerated in subsection (c), that software or system shall be subject to the testing and approval process of this subpart to the same extent as if the software or system were developed by an applicant for, or holder of, a manufacturer license. Any reference in this subpart to the responsibilities of a manufacturer applies to an applicant for, or holder of, a slot machine license developing software or systems subject to testing and approval under this subpart.

(c) For the purposes of this section, slot machines and associated equipment that shall be submitted for testing and Board approval include:

(1) Slot machines, including bill validators and printers.

(2) Slot monitoring systems, to the extent the systems interface with slot machines and related systems.

(3) Casino management systems, to the extent the systems interface with slot machines and related systems.

(4) Player tracking systems, to the extent the systems interface with slot machines and related systems.

(5) Progressive systems, including wide area progressive systems.

(6) Gaming voucher systems.

(7) External bonusing systems.

(8) Cashless funds transfer systems.

(9) Machines performing gaming voucher, coupon or jackpot payout transactions.

(10) Coupon systems, to the extent the systems interface with slot machines and related systems.

(11) Other associated equipment specifically identified by the Board.

(d) Slot machine prototypes and associated equipment prototypes, and any modifications thereto, which are subject to testing and approval under this section will be evaluated by the Board for overall operational integrity and compliance with the act, this subpart and technical standards adopted by the Board. In addition, with regard to any slot machine, or modification thereto, the Board will test for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.

(e) The Board may periodically prescribe a standard product submission checklist, together with supplemental product specific submission checklists for completion by an applicant for, or holder of, a manufacturer license, to facilitate the examination and analysis of a prototype or modification.

(f) The Board may periodically prescribe certification requirements, to be executed by the chief engineer of the applicant for, or holder of, a manufacturer license or the engineer in charge of the division of the manufacturer responsible for producing the product submitted, unless otherwise noted, to obtain sufficient assurances from the manufacturer that the product was properly and completely tested by the manufacturer prior to its submission to the Board.

(g) Notwithstanding the terms of subsection (d), the Board may utilize an abbreviated testing and approval process in accordance with section 1320 of the act (relating to slot machine testing and certification standards).

(h) When an applicant for, or holder of, a manufacturer license seeks to utilize, during the applicable period, the abbreviated testing and approval process for a slot machine prototype, associated equipment prototype or any modification thereto, it shall submit the following to the Slot Lab:

(1) A prototype of the equipment, device or software accompanied by a written request for abbreviated testing and approval which identifies the jurisdiction within the United States upon which the applicant for, or holder of, a manufacturer license proposes the Board rely ("named jurisdiction"). The manufacturer shall transport the equipment device or software at its own expense and deliver it to the offices of the Slot Lab.

(2) A certification executed by the chief engineer of the applicant for, or holder of, a manufacturer license or the engineer in charge of the division of the manufacturer responsible for producing the equipment, device or software submitted ("professional") asserting that:

(i) The specific prototype or modification is identical in all mechanical, electrical, electronic and other respects to one which has been tested and approved by the testing facility operated by the named jurisdiction or a private testing facility on behalf of the named jurisdiction.

(ii) The manufacturer is licensed and in good standing in the named jurisdiction and that the subject product has all regulatory approvals prerequisite to sale or distribution in the named jurisdiction.

(iii) In the professional's opinion, the testing standards of the named jurisdiction are comprehensive and thorough and provide similar adequate safeguards as those required by this subpart.

(iv) In the professional's opinion, the equipment, device or software complies with the act, this subpart and technical standards adopted by the Board including requirements related to the central control computer.

(3) An executed copy of a current product submission checklist, and any product specific supplemental submission checklists applicable to the submitted equipment, device or software unless a substantially similar checklist was filed with the named jurisdiction and is included in the submission package required by paragraph (4).

(4) Copies of the submission package, and any amendments thereto, filed with the named jurisdiction, copies of any correspondence, review letters or approvals issued by the testing facility operated by the named jurisdiction or a private testing facility on behalf of the named jurisdiction and, as applicable, a copy of the final regulatory approval issued by the named jurisdiction.

(5) A disclosure that lists any conditions or limitations placed by the named jurisdiction on the operation or

placement of the equipment, device or software at the time of approval or subsequently thereafter.

(6) A complete, comprehensive and technically accurate description of the manner in which the slot machine was tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.

(7) Any hardware, software and other equipment, inclusive of technical support and maintenance applicable thereto, required by the Slot Lab to conduct the abbreviated testing and approval process contemplated by the act, this subpart and technical standards adopted by the Board. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(8) Additional documentation requested by the Board.

(i) When an applicant for, or holder of, a manufacturer license seeks Board approval of a slot machine prototype, associated equipment prototype, or any modification thereto for which the abbreviated testing process in subsection (g) is not applicable, it shall submit the following to the Slot Lab:

(1) A prototype of the equipment, device or software accompanied by a written request for testing and approval. The manufacturer shall transport the equipment, device or software at its own expense and deliver it to the offices of the Board's Slot Lab in accordance with instructions provided.

(2) Certifications required under subsection (f) providing assurances from the manufacturer that the product was properly and completely tested and emulated by the manufacturer prior to its submission to the Board and that the product, device or software complies with the act, this subpart and technical standards adopted by the Board, including applicable requirements related to the central control computer.

(3) An executed copy of a current product submission checklist, and any product specific supplemental submission checklists applicable to the submitted equipment, device or software.

(4) A complete, comprehensive and technically accurate description of the equipment, device or software, accompanied by applicable diagrams, schematics and specifications, together with documentation with regard to the manner in which the product was tested and emulated by the manufacturer prior to its submission to the Board.

(5) Any hardware, software and other equipment, inclusive of technical support and maintenance applicable thereto, required by the Slot Lab to conduct the testing and approval process contemplated by the act, this subpart and technical standards adopted by the Board. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(6) In the case of a slot machine prototype, the following additional information:

(i) A copy of all executable software, including data and graphics information, on electronically readable, unalterable media.

(ii) A copy of all source code for programs that cannot be reasonably demonstrated to have any use other than in a slot machine, on electronically readable, unalterable media.

(iii) A copy of all graphical images displayed on the slot machine including reel strips, rules, instructions and paytables.

(iv) A mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy.

(v) Hardware block diagrams of the major subsystems.

(vi) A complete set of schematics for all subsystems.

(vii) A wiring harness connection diagram.

(viii) A technical and an operator manual.

(ix) A description of security methodologies incorporated into the design of the slot machine including, when applicable, encryption methodology for all alterable media, auto-authentication of software and recovery capability of the slot machine for power interruption.

(x) For meters required by this subpart or technical standards adopted by the Board, a cross reference of product meters to the required meters, if necessary.

(xi) A description of tower light functions indicating the corresponding condition.

(xii) A description of error conditions and the corresponding action required by the operator.

(xiii) A description of the use and function of available dip switch settings or configurable options.

(xiv) A description of the pseudo random number generator or generators used to determine game outcome, including a detailed explanation of operational methodology, and a description of the manner by which the pseudo random number generator and random number selection process is impervious to outside influences, interference from electro-magnetic, electrostatic, and radio frequencies, and influence from ancillary equipment via data communications. Test results in support of representations shall be submitted. For the purposes of this section, "game outcome" means the results of a wager.

(xv) Specialized hardware, software or testing equipment, inclusive of technical support and maintenance, needed to complete the evaluation, which may include an emulator for a specified microprocessor, PCs, extender cables for CPU boards, target reel strips and door defeats. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(xvi) A compiler, or reasonable access to a compiler, for the purpose of building applicable code modules.

(xvii) Program storage media including eproms, eeproms, and any type of alterable media for slot machine software.

(xviii) Technical specifications for any microprocessor or microcontroller.

(xix) A complete, comprehensive and technically accurate description of the manner in which the slot machine was tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.

(xx) Additional documentation requested by the Board.

(7) In the case of a modification to a slot machine prototype, including a change in theme, the following additional information:

(i) A complete, comprehensive and technically accurate description of the proposed modification to the slot machine prototype, accompanied by applicable diagrams, schematics and specifications.

(ii) When a change in theme is involved, a copy of the graphical images displayed on the slot machine including reel strips, rules, instructions and paytables.

(iii) When a change in the manner in which the theoretical payout percentage is achieved is involved, a mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through to the final results of all calculations including bonus pays and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy.

(iv) A complete, comprehensive and technically accurate description of the manner in which the slot machine was tested for compatibility and compliance with the central control computer and protocol specifications approved by the Department including the ability to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.

(v) Additional documentation requested by the Board.

(8) In the case of a slot monitoring system, casino management system, player tracking system, wide area progressive system, gaming voucher system, external bonusing system, cashless funds transfer system, automated gaming voucher, coupon redemption or jackpot payout machine, coupon system or any other equipment or system required to be tested and approved under subsection (c):

(i) A technical and an operator manual.

(ii) A description of security methodologies incorporated into the design of the system to include, when applicable, password protection, encryption methodology and its application, auto-authentication, network redundancy, back-up and recovery procedures.

(iii) A complete schematic or network diagram of the system's major components accompanied by a description of each component's functionality and a software object report. The description must disclose the functions performed by each component.

(iv) A description of the data flow, in narrative and in schematic form, including specifics with regard to data cabling and, when appropriate, communications methodology for multisite applications.

(v) A list of computer operating systems and third party software incorporated into the system together with a description of their interoperability.

(vi) System software and hardware installation procedures.

(vii) A list of available system reports.

(viii) When applicable, features for each system which may include patron and employee card functions, promotions, reconciliation procedures and patron services.

(ix) A description of the interoperability testing including test results for each submitted system's connection to, as applicable, slot machines, voucher, coupon redemption and jackpot payout machines, computerized systems for

counting money, vouchers and coupons. This list must identify the tested products by manufacturer, model and software identification and version number.

(x) A narrative describing the method used to authenticate software.

(xi) When requested by the Board, all source codes.

(xii) When applicable, a complete, comprehensive and accurate description, accompanied by applicable diagrams, schematics and specifications, of the creation of a voucher and the redemption options available.

(xiii) When applicable, a complete, comprehensive and technically accurate description, accompanied by applicable diagrams, schematics and specifications, of the creation of a coupon and the redemption options available.

(xiv) Any specialized hardware, software or other equipment, inclusive of technical support and maintenance applicable thereto, required by the Slot Lab to conduct the testing and approval process contemplated by the act, this subpart and technical standards adopted by the Board. The testing equipment and services required by this paragraph shall be provided at no cost to the Board.

(xv) Additional documentation requested by the Board.

(9) In the case of a modification to any of the systems identified in paragraph (8), the following additional information:

(i) A complete, comprehensive and technically accurate description of the proposed modification to the system, accompanied by applicable diagrams, schematics and specifications.

(ii) A brief narrative disclosing the purpose for the modification.

(iii) Additional documentation requested by the Board.

(j) At the conclusion of testing of a prototype or modification by the Slot Lab, but prior to a decision to approve a prototype or modification, the Board may require a trial period of scope and duration as it deems appropriate to assess the operation of the prototype or modification in a live gaming environment. The conduct of the trial period shall be subject to compliance by the licensed manufacturer, applicable licensed suppliers, and the slot machine licensee with specific terms and conditions as may be required by the Board, which may include development and implementation of product specific accounting and internal controls, periodic data reporting to the Board and compliance with technical standards on trial periods or the prototype or modification adopted by the Board. The Board may authorize the receipt of compensation by a licensed manufacturer or licensed supplier during the trial period. The Board may order termination of the trial period if it determines that the licensed manufacturer, applicable licensed suppliers or the slot machine licensee conducting the trial period has not complied with the terms and conditions required by the Board or that the product is not performing as expected.

(k) At the conclusion of testing of a prototype or modification, the Slot Lab will report to the Board the results of its testing. Upon receipt of the Slot Lab's report, the Board will:

(1) Approve, approve with conditions or reject the submitted prototype or modification.

(2) Require additional testing or a trial period under subsection (j).

(l) Board approval of a prototype or modification does not constitute a guarantee of the prototype or modification's safety.

(m) A slot machine licensee is prohibited from installing in its licensed facility a slot machine or associated equipment, or modification thereto, required to be tested and approved under subsection (c) unless the equipment, device or software has been approved by the Board. A slot machine licensee may not modify, alter or tamper with an approved slot machine or associated equipment. A slot machine or associated equipment installed in a licensed facility in contravention of this requirement will be subject to seizure by the Board.

(n) Notwithstanding subsection (m), the Board may authorize installation of a modification to a slot machine prototype or associated equipment prototype on an emergency basis to prevent cheating or malfunction, upon the written request of a licensed manufacturer in the manner prescribed by the Board. The request must expressly detail the name and employer of any persons to be involved in the installation of the modification and the manner in which it is to be effected. Within 15 days of receipt of any authorization to install an emergency modification, the manufacturer shall submit the modification for full testing and approval in accordance with this subpart.

(o) A slot machine licensee shall immediately notify the Board, in a manner and form the Board prescribes, of any known or suspected defect or malfunction in any slot machine or associated equipment installed in its licensed facility. The slot machine licensee shall comply with instructions issued by the Board with regard to the continued operation of the slot machine or associated equipment.

(p) Concurrent with the initial receipt of slot machines, an applicant for, or holder of, a slot machine license shall file a slot machine master list as required by § 463.5 (relating to slot machine master list).

(q) The testing of equipment, devices or software under this subpart may require the dismantling of the product and testing that may result in damage to, or destruction of, one or more systems or components. Once submitted for testing, equipment, devices or software will not be returned to the manufacturer unless otherwise determined by the Board.

§ 461.5. Slot machine conversions.

A slot machine licensee shall:

(1) Maintain complete and accurate records of all conversions.

(2) Give prior notice of a slot machine conversion to the Slot Lab in writing in the manner prescribed by the Board.

(3) Notice the Department in accordance with § 463.6 (relating to notice to central control computer system).

§ 461.6. Revocations and additional conditions.

The Board may revoke the approval of or impose additional conditions on a slot machine prototype, associated equipment prototype, or modification thereto, if the equipment, device or software meets either of the following criteria:

(1) The equipment, device or software is not in compliance with the act, this subpart or technical standards adopted by the Board.

(2) The slot machine, or modification thereto, is not compatible with, or compliant with the central control computer and protocol specifications approved by the Department or is unable to communicate with the central control computer for the purpose of transmitting auditing program information, real time information retrieval and activation and disabling of slot machines.

§ 461.7. Slot machine minimum design standards.

(a) A slot machine may not be set to pay out less than the theoretical payout percentage, which may not be less than 85% or equal or exceed 100%. The theoretical payout percentage for the total value of slot machine wagers will be calculated using the following:

(1) The defined set of all symbols that will be displayed using spinning reels or video displays, or both.

(2) The finite set of all possible combinations which shall be known as the cycle of the game. All possible combinations in a slot machine cycle shall be independent of each other and of all possible combinations from cycles in other slot machines.

(3) The value of each winning combination that corresponds with the set from paragraph (2) which, whether by reason of skill or application of the element of chance, or both, may deliver or entitle the person or persons playing the slot machine to a jackpot.

(4) A payout of merchandise or anything of value provided a cash equivalent award for the merchandise is offered. The value of the cash equivalent will contribute to the calculation of the theoretical payout percentage.

(5) A payout in the form of an annuity will contribute to the calculation of the theoretical payout percentage by dividing the initial or reset amount of the jackpot payout by the number of years over which the jackpot will be paid.

(6) The odds of any winning combination may not exceed 50 million to 1.

(b) The calculation of the theoretical payout percentage will not include:

(1) The amount of any progressive jackpot in excess of the initial or reset amount.

(2) A cash or noncash complimentary issued under § 465.8 (relating to complimentary services or items).

(3) A payout of merchandise or anything of value when a cash equivalent award is not offered.

(c) A play offered by a slot machine may not have a theoretical payout percentage which is less than, when calculated to one hundredth of a percentage point, the theoretical payout percentage for any other play offered by that slot machine which is activated by a slot machine wager in a lesser amount than the slot machine wager required for that play. Notwithstanding the foregoing, the theoretical payout percentage of one or more particular plays may be less than the theoretical payout percentage of one or more plays which require a lesser wager provided that:

(1) The aggregate total of the decreases in the theoretical payout percentage for plays offered by the slot machine is not more than 1/2 of 1%.

(2) The theoretical payout percentage for every play offered by the slot machine is equal to or greater than the theoretical payout percentage for the play that requires the lowest possible wager that will activate the slot machine.

(d) In addition to the requirements of subsections (a), (b) and (c), the volatility of a slot machine must verify that the theoretical payout percentage equals or exceeds the minimum payout requirement of 85% within 10 million plays. The criteria used to calculate the volatility must be in accordance with technical standards applicable to volatility adopted by the Board.

(e) The selection from the set of all possible combinations of symbols shall be made applying a pseudo random number generator. At a minimum, a pseudo random number generator must adhere to the following criteria:

(1) The random selection process must meet a 95% confidence interval.

(2) As determined by the Board, a random number generator must pass a standard chi-squared test for goodness of fit.

(3) Each possible slot machine combination which produces winning or losing slot machine outcomes must be available for random selection at the initiation of each play.

(4) A slot machine payout percentage that may be affected by reason of skill must meet the theoretical payout requirements of this subpart when evaluated by the Board using a method of play that will provide the greatest return to the player.

(5) Once a random selection process has occurred, the slot machine must:

(i) Display an accurate representation of the randomly selected outcome.

(ii) Not make a secondary decision which affects the result shown to the person playing the slot machine.

(f) A slot machine is prohibited from automatically altering any function of the slot machine based on internal computation of the hold percentage.

(g) The available winning combinations and applicable rules of play for a slot machine shall be available at all times the slot machine is idle to the patron playing the slot machine. The award schedule of available winning combinations may not include possible aggregate awards achievable from free plays. A slot machine that includes a strategy choice must provide mathematically sufficient information for a patron to use optimal skill. Information regarding a strategy choice need not be made available for any strategy decisions whenever the patron is not required, in addition to the initial wager, to make an additional wager and, when as a result of playing a strategy choice, the patron can not lose any credits earned thus far during that game play.

(h) Slot machines approved for use in a licensed facility must be equipped with the following meters that comply with the technical standards adopted by the Board:

(1) *Coin in.* A meter that accumulates the total value of all wagers, whether the wager results from the insertion of currency, gaming vouchers, coupons, downloaded credits, credits won or any other means. This meter must:

(i) Not include subsequent wagers of intermediate winnings accumulated during game play sequence such as those acquired from "double up" games.

(ii) For multi-game and multi-denomination/multigame slot machines, monitor the information necessary, on a per pay table basis, to calculate a weighted average actual payout percentage.

(2) *Coin out.* A meter that accumulates the total value of all amounts directly paid by the slot machine as a

result of winning wagers, whether the payout is made directly from the printer by issuance of a gaming voucher, directly to a credit meter or by any other means. This meter may not record amounts awarded as the result of an external bonusing system or a progressive payout.

(3) *Attendant paid jackpots.* A meter that accumulates the total value of credits paid by an attendant resulting from a single winning alignment or combination, the amount of which is not capable of being paid by the slot machine itself. This meter may not record amounts awarded as the result of an external bonusing system or a progressive payout. This meter is to record only amounts specifically listed in the manufacturer's par sheet.

(4) *Attendant paid cancelled credits.* A meter that accumulates the total value of all amounts paid by an attendant resulting from a player initiated cash-out that exceeds the physical or configured capability of the slot machine.

(5) *Bill in.* A meter that accumulates the total value of currency accepted. The slot machine must also have a specific meter for each denomination of currency accepted that records the number of bills accepted for each denomination.

(6) *Voucher in—cashable/value.* A meter that accumulates the total value of all cashable gaming vouchers accepted by the slot machine.

(7) *Voucher in—cashable/count.* A meter that accumulates the total number of cashable gaming vouchers accepted by a slot machine.

(8) *Voucher out—cashable/value.* A meter that accumulates the total value of all cashable gaming vouchers issued by the slot machine.

(9) *Voucher out—cashable/count.* A meter that records the total number of all cashable gaming vouchers issued by a slot machine.

(10) *Voucher out—noncashable/value.* A meter that accumulates the total value of all noncashable gaming vouchers issued by the slot machine.

(11) *Voucher out—noncashable/count.* A meter that records the total number of all noncashable gaming vouchers issued by the slot machine.

(12) *Cashable electronic in.* A meter that accumulates the total value of cashable credits electronically transferred to the slot machine by means of an external connection between the slot machine and a cashless funds transfer system.

(13) *Noncashable electronic in.* A meter that accumulates the total value of noncashable credits electronically transferred to the slot machine by means of an external connection between the slot machine and a cashless funds transfer system.

(14) *Coupon in—cashable/value.* A meter that accumulates the total value of all cashable coupons accepted by the slot machine.

(15) *Coupon in—cashable/count.* A meter that accumulates the total number of all cashable coupons accepted by the slot machine.

(16) *Coupon in—noncashable/value.* A meter that accumulates the total value of all noncashable coupons accepted by the slot machine.

(17) *Coupon in—noncashable/count.* A meter that accumulates the total number of noncashable coupons accepted by the slot machine.

(18) *Slot machine paid external bonus payout.* A meter that accumulates the total value of additional amounts awarded as a result of an external bonusing system and paid by the slot machine.

(19) *Attendant paid external bonus payout.* A meter that accumulates the total value of additional amounts awarded as a result of an external bonusing system and paid by a slot attendant.

(20) *Slot machine paid progressive payout.* A meter that accumulates the total value of credits paid as a result of progressive awards paid directly by the slot machine. This meter may not record awards paid as a result of an external bonusing system.

(21) *Attendant paid progressive payout.* A meter that accumulates the total value of credits paid by a slot attendant as a result of progressive awards that are not capable of being paid by the slot machine. This meter may not include awards paid as a result of an external bonusing system.

(22) *Additional requirements.* Other meters required by technical standards adopted by the Board.

(i) A slot machine that does not meter one or more of the events required to be metered under subsection (h) may be approved when a slot machine licensee's system of internal controls establishes that the meter is not required to capture all critical transactions occurring on the slot machine.

(j) The meters required under subsection (h) must continuously and automatically increment in units equal to the denomination of the slot machine or, in the case of a slot machine configured for multidomination play, must display the required information in dollars and cents.

(k) A slot machine approved for use in a licensed facility must be equipped with the following noncumulative meters:

(1) *Credits wagered.* A meter, visible from the front exterior of a slot machine, known as a credit wagered meter that advises the patron of the total value of amounts wagered in a particular game or round of slot play.

(2) *Win meter.* A meter, visible from the front exterior of the slot machine, known as a win meter that advises the patron of the total value of amounts won in the immediately concluded game or round of slot play.

(3) *Credits paid.* A meter, visible from the front exterior of the slot machine, known as a credits paid meter that advises the patron of the total value of the last:

(i) Cash out initiated by the patron.

(ii) Attendant paid jackpot.

(iii) Attendant paid cancelled credit.

(4) *Credit meter.* A meter, visible from the front exterior of the slot machine and specifically labeled as a credit meter, which advises the patron as to the number of credits or monetary value available for wagering on the slot machine. The credit meter need not distinguish between cashable credits and noncashable credits.

(l) A slot machine must have a meter which stores the number of games played, in the manner and for a duration specified in this subpart or in technical standards adopted by the Board, since the following events:

(1) Power reset.

(2) Door close.

(3) Game initialization (random access memory (RAM) clear).

(m) A slot machine must be equipped with a device, mechanism or method for retaining the total value of all meters required under subsection (h) for 72 hours subsequent to a power loss.

(n) The required meters on a slot machine must be accessible and legible without access to the interior of the slot machine.

(o) A slot machine must be equipped with a tower light capable of effectively communicating the status of the slot machine in accordance with technical standards on tower lights and error conditions adopted by the Board.

(p) A slot machine must be equipped with a device, mechanism or method for detecting, displaying and communicating to a slot monitoring system error conditions. The error conditions detected, displayed and communicated by a slot machine, and the method to be utilized to clear the message with regard to the error condition, must be in accordance with technical standards on tower lights and error conditions adopted by the Board.

(q) A slot machine must, in accordance with section 1324 of the act (relating to protocol information), comply with the comprehensive protocol specifications necessary to enable the slot machine to communicate with the Department's central control computer as that protocol is amended or supplemented, for the purpose of transmitting auditing program information, real time information retrieval and slot machine activation and disabling.

(r) A slot machine must lock up and preclude further play whenever a jackpot occurs that is not able to be paid completely by the slot machine and requires a hand pay. When the jackpot occurs, the slot machine can offer a predetermined number of double-up wagers before the slot machine locks up.

(s) Printers incorporated into a slot machine must be:

(1) Designed to allow the slot machine to detect and report a low paper level, paper out, presentation error, printer failure and paper jams.

(2) Mounted inside a lockable compartment within the slot machine.

(t) Seating made available by a slot machine licensee for use during slot play must be fixed and stationary in nature. Slot seating must be installed in a manner that effectively precludes its ready removal by a patron but permits controlled removal, for example for American With Disabilities Act of 1990 (ADA) (42 U.S.C.A. §§ 12101—12213) purposes, by slot operations department personnel.

(u) Unless a slot machine licensee's slot monitoring system is configured to automatically record all of the information required by this subsection, the slot machine licensee shall be required to physically house in each slot machine the following entry authorization logs:

(1) A machine entry authorization log that documents each time a slot machine or any device connected thereto which may affect the operation of the slot machine is opened. The log must contain, at a minimum, the date, time, purpose for opening the slot machine or device and the signature and license or permit number of the person opening and entering the slot machine or device. Each log must have recorded thereon a sequence number and the manufacturer's serial number or the asset number corresponding to the slot machine in which it is housed.

(2) A progressive entry authorization log that documents each time a progressive controller not housed within the cabinet of the slot machine is opened. The log must contain, at a minimum, the date, time, purpose for accessing the progressive controller and the signature and license or permit number of the person accessing the progressive controller. Each log must be maintained in the progressive controller unit and have recorded thereon a sequence number and the manufacturer's serial number of the progressive controller.

(v) A slot machine must be equipped with a lock controlling access to the card cage door securing the microprocessor, the key to which must be different from any other key securing access to the slot machine's components including its belly door or main door, bill validator or slot cash storage box. Access to the key securing the microprocessor shall be limited to a supervisor in the slot operations department, which department shall establish a sign out and sign in procedure with regard to this key.

(w) A slot machine must be equipped with a mechanism for detecting and communicating to a slot monitoring system any activity with regard to access to the card cage door securing its microprocessor.

§ 461.8. Gaming vouchers.

(a) A slot machine licensee may utilize gaming vouchers and a gaming voucher system that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) The design specifications for a gaming voucher, the expiration terms applicable thereto, the voucher verification methodologies utilized, and any limitation on the value of a gaming voucher must be in compliance with technical standards on gaming vouchers adopted by the Board.

(c) The design specifications for a gaming voucher system must be in compliance with technical standards on gaming voucher systems adopted by the Board.

(d) Prior to issuing a gaming voucher, a slot machine licensee shall establish a system of internal controls for the issuance and redemption of gaming vouchers. The internal controls shall be submitted and approved by the Board under § 465.3 (relating to internal control systems and audit protocols) and address:

(1) Procedures for assigning a slot machine's asset number and identifying other redemption locations in the system, and enabling and disabling voucher capabilities for slot machines and redemption locations.

(2) Procedures for issuance, modification and termination of a unique system account for each user in accordance with technical standards adopted by the Board.

(3) Procedures used to configure and maintain user passwords in accordance with technical standards adopted by the Board.

(4) Procedures for restricting special rights and privileges, such as administrator and override capabilities, in accordance with technical standards adopted by the Board.

(5) The duties and responsibilities of the information technology, internal audit, slot operations and slot accounting departments, respectively, and the level of access for each position with regard to the gaming voucher system.

(6) A description of physical controls on all critical hardware such as locks and surveillance, including the

location and security protocols applicable to each piece of equipment as approved by the Board.

(7) Procedures for the backup and timely recovery of critical data in accordance with technical standards adopted by the Board.

(8) Logs used to document and maintain the details of Board-approved hardware and software modifications upon implementation.

(e) The system of internal controls required to be submitted and approved by the Board under subsection (d) must also include the procedures to be applied in the following instances:

(1) The slot machine licensee chooses to pay a patron the value of a gaming voucher notwithstanding the fact that the gaming voucher system is inoperable rendering it unable to determine the validity of the gaming voucher at the time of payment.

(2) The slot machine licensee chooses to pay a patron the value of a gaming voucher notwithstanding the fact that the gaming voucher system failed to verify and electronically cancel the gaming voucher when it was scanned.

(f) At the end of each gaming day, the gaming voucher system must generate reports, as approved by the Board, which reports are provided to the slot accounting department, either directly by the system or through the information technology department, and which, at a minimum, contain the following information:

(1) A report of all gaming vouchers that have been issued which includes the asset number and the serial number of the slot machine, and the value, date and time of issuance of each gaming voucher.

(2) A report of all gaming vouchers that have been redeemed and cancelled by redemption location, including the asset number of the slot machine or location if other than a slot machine, the serial number, the value, date and time of redemption for each voucher, the total value of all gaming vouchers redeemed at slot machines, and the total value of all gaming vouchers redeemed at locations other than slot machines.

(3) The unredeemed liability for gaming vouchers.

(4) The readings on gaming voucher related slot machine meters and a comparison of the readings to the number and value of issued and redeemed gaming vouchers, as applicable.

(5) Exception reports and audit logs.

(g) A slot machine licensee shall immediately report to the Board, in a manner prescribed by the Board, any evidence that a gaming voucher has been counterfeited, tampered with, or altered in any way which would affect the integrity, fairness, reliability or suitability of the gaming voucher.

(h) Upon presentation of a gaming voucher for redemption at a slot machine, the total value of which gaming voucher cannot be completely converted into an equivalent value of credits that match the denomination of the slot machine, the slot machine must perform one of the following procedures:

(1) Automatically issue a new gaming voucher containing the value that cannot be completely converted.

(2) Not redeem the gaming voucher and immediately return the gaming voucher to the patron.

(3) Allow for the additional accumulation of credits on an odd cents meter or a meter that displays the value in dollars and cents.

(i) A slot machine licensee that utilizes a system or a slot machine that does not print a test gaming voucher that is visually distinguishable from a valid gaming voucher whenever the slot machine is tested on the gaming floor must have in place internal controls approved by the Board under § 465.3 for the issuance of test currency from the cashiers' cage and the return and reconciliation of the test currency and any gaming vouchers printed during the testing process.

(j) Except as provided in subsection (n) with regard to employee redemption of gaming vouchers, a gaming voucher shall be redeemed by a patron for a specific value of cash, slot machine credits, or, at the request of the patron, a check issued by the slot machine licensee in the amount of the gaming voucher surrendered. Notwithstanding the foregoing, a slot machine licensee may not permit a gaming voucher that is presented for redemption to be redeemed if it knows, or has reason to know, that the gaming voucher:

(1) Is materially different from the sample of the gaming voucher approved by the Board.

(2) Was previously redeemed.

(3) Was printed as a test gaming voucher.

(k) Notwithstanding the requirements of subsection (j), if a patron requests to redeem a gaming voucher by mail, the slot machine licensee may effectuate the redemption. However, the gaming voucher may only be redeemed by a cage supervisor in accordance with internal controls approved by the Board under § 465.3, which include the following:

(1) Procedures for using the gaming voucher system to verify the validity of the serial number and value of the voucher, which, if valid, must be immediately cancelled electronically by the system.

(2) Procedures for the issuance of a check equal to the value of the voucher.

(l) Gaming vouchers redeemed at cashiering locations shall be transferred to the slot accounting department on a daily basis. Gaming vouchers redeemed by slot machines shall be counted in the count room and forwarded to the slot accounting department upon the conclusion of the count process. Gaming vouchers redeemed at automated gaming voucher redemption machines shall be forwarded to slot accounting upon the conclusion of the cashiers' cage reconciliation process. Slot accounting department representatives with no incompatible functions shall perform, at a minimum, the following:

(1) On a daily basis:

(i) Compare gaming voucher system report data to any count room system report data available for that gaming day to ensure proper electronic cancellation of the gaming voucher.

(ii) Calculate the unredeemed liability for gaming vouchers, either manually or by means of the gaming voucher system.

(2) On a weekly basis, compare appropriate slot machine meter readings to the number and value of issued and redeemed gaming vouchers per the gaming voucher system. Meter readings obtained through a slot monitoring system may be utilized to complete this comparison.

(m) A slot machine licensee shall provide written notice to the Slot Lab of any adjustment to the value of any gaming voucher. The notice shall be made prior to, or concurrent with, the adjustment.

(n) Employees of a slot machine licensee who are authorized to receive gratuities under § 465.20 (relating to acceptance of tips or gratuities from patrons) may only redeem gaming vouchers given as gratuities at a cashiers' cage. Gaming vouchers valued at more than \$100 shall only be redeemed at the cashiers' cage with the approval of the supervisor of the cashier conducting the redemption transaction.

(o) A gaming voucher system must be configured to alert a slot machine licensee to any malfunction. Following a malfunction of a system, a slot machine licensee shall immediately notify the Board and may not utilize the system until the malfunction has been successfully eliminated. Notwithstanding the foregoing, the Board may permit, in accordance with approval procedures the Board prescribes, a slot machine licensee to utilize the system prior to its being successfully restored, for a period not to exceed 72 hours, provided that:

(1) The malfunction is limited to a single storage media device, such as a hard disk drive.

(2) In addition to the malfunctioning storage media device, the system contains a backup storage media device not utilized in the normal operation of the system. The backup device must immediately and automatically replace the malfunctioning device to permit a complete and prompt recovery of all information in the event of an additional malfunction.

(3) Continued use of the malfunctioning system would not inhibit the ability to perform a complete and prompt recovery of all information, and would not otherwise harm or affect the normal operation of the system.

(p) Other than a modification to a gaming voucher system required on an emergency basis to prevent cheating or malfunction and approved by the Board under § 461.4(m), a modification to a gaming voucher system may not be installed without the gaming voucher system having undergone the testing and approval process required under § 461.4.

§ 461.9. Coupons.

(a) A slot machine licensee may utilize coupons and a coupon system that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval) and complies with technical standards on coupon systems adopted by the Board.

(b) The design specifications for a coupon, the expiration terms applicable thereto, the coupon verification methodologies utilized, and any limitation on the value of a coupon must be in compliance with technical standards on coupons adopted by the Board.

(c) A coupon shall be designed and manufactured with sufficient graphics or other security measures, to permit the proper verification of the coupon. A coupon must contain, at a minimum, the following information:

(1) The name or trade name of the slot machine licensee. If the slot machine licensee is affiliated with a casino licensee in any other jurisdiction with an identical or similar name or trade name, the name of the Pennsylvania location must be evident on the coupon.

(2) The value of the coupon, in both numbers and words.

(3) A unique serial number, which is automatically generated by the system in accordance with this subpart and technical standards adopted by the Board.

(4) The locations where the coupon may be redeemed and restrictions regarding redemption.

(5) An indication of the date on which the coupon becomes invalid.

(6) A bar code or magnetic strip which enables the coupon system to establish the validity of the coupon and its value in accordance with this subpart and technical standards adopted by the Board.

(d) Prior to issuing a coupon, a slot machine licensee shall establish a system of internal controls for the issuance and redemption of coupons. The internal controls shall be submitted to, and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

§ 461.10. Automated gaming voucher and coupon redemption machines.

(a) A slot machine licensee may utilize an automated gaming voucher and coupon redemption machine that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) Automated gaming voucher and coupon redemption machines may be located on or proximate to the gaming floor of a licensed facility and must be subject to surveillance coverage under § 465.10 (relating to surveillance system; surveillance department control; surveillance department restrictions). Each automated gaming voucher and coupon redemption machine must have imprinted, affixed or impressed on the outside of the machine a unique asset identification number.

(c) An automated gaming voucher and coupon redemption machine must have the capability of establishing the validity of a gaming voucher or coupon by comparing the instrument's unique serial number, automatically generated by the respective gaming voucher or coupon system in accordance with this subpart and technical standards adopted by the Board with electronic records within the gaming voucher system or coupon system.

(d) The method or methods utilized to comply with subsection (c) shall be submitted to and approved by the Board in the context of the testing of a gaming voucher system or coupon system.

(e) An automated gaming voucher and coupon redemption machine may function as a bill breaker changing bills of one denomination into bills of a smaller denomination.

(f) An automated gaming voucher and coupon redemption machine must contain a lockable gaming voucher, coupon and currency storage box which retains any gaming vouchers, coupons or currency accepted by the machine. The gaming voucher, coupon and currency storage box located inside the machine must also have imprinted, affixed or impressed thereon the asset identification number of the corresponding machine.

(g) An automated gaming voucher and coupon redemption machine must have, at a minimum, the following:

(1) One lock securing the compartment housing the storage box and one lock securing the storage box within the compartment, the keys to which must be different from each other. The key to the lock securing the compartment housing the storage box shall be controlled by the slot operations department. The key to the lock

securing the storage box within the compartment shall be controlled by the slot accounting department.

(2) One lock securing the compartment housing the currency cassettes, the key to which shall be controlled by the slot accounting department.

(3) One lock securing the compartment housing the coin storage container, the key to which shall be controlled by the slot accounting department.

(4) One lock securing the contents of the storage box, the key to which must be different from the keys referenced in paragraphs (1)–(3). This key shall be controlled by an employee of the slot accounting department other than the employee controlling the keys referenced in paragraphs (1)–(3).

(h) An automated gaming voucher and coupon redemption machine must be designed to resist forced illegal entry. The slot machine licensee must secure all input/output ports on an automated gaming voucher and coupon redemption machine.

(i) An automated gaming voucher and coupon redemption machine's currency cassettes must be designed to preclude access to its interior. Access to each currency cassette shall be controlled by the slot accounting department.

(j) Access controls relating to the operating system or applications of the automated gaming voucher and coupon redemption machine, and ancillary systems, applications and equipment associated with the reconciliation thereof, must employ security measures that require authentication of the user and recording and maintaining of data regarding access and modifications made. Authentication must be in accordance with this subpart and technical standards adopted by the Board.

(k) A gaming voucher or coupon accepted by an automated gaming voucher and coupon redemption machine shall be cancelled immediately upon exchange in a manner that effectively prevents its subsequent redemption by the cashiers' cage, another automated gaming voucher and coupon redemption machine or its acceptance in a slot machine bill validator. The method utilized to comply with this requirement shall be in accordance with this subpart and technical standards adopted by the Board.

(l) An automated gaming voucher and coupon redemption machine must be designed to be impervious to outside influences, interference from electromagnetic, electrostatic and radio frequencies and influence from ancillary equipment.

(m) An automated gaming voucher and coupon redemption machine must include a means to protect against transaction failure and data loss due to power loss.

(n) An automated gaming voucher and coupon redemption machine must detect, display and record electronically the following error conditions: power reset; door open; door just closed; and system communication loss. These error conditions may be automatically cleared by the automated gaming voucher and coupon redemption machine when the condition no longer exists and upon completion of a new transaction.

(o) An automated gaming voucher and coupon redemption machine must detect, display and record electronically the error conditions in paragraphs (1)–(4). These error conditions must disable the automated gaming voucher and coupon redemption machine and prohibit new transactions and may only be cleared by either the slot accounting department or slot operations department.

(1) Failure to make payment, if the gaming voucher or coupon is not returned and no receipt is issued.

(2) Failure to make complete payment if a receipt for the unpaid amount is not issued.

(3) Bill validator failure.

(4) Printer failure due to printer jam or lack of paper.

(p) An automated gaming voucher and coupon redemption machine must be designed to evaluate whether sufficient funds are available before stacking the voucher and completing the transaction.

(q) An automated gaming voucher and coupon redemption machine must be capable of maintaining synchronization between its real time clock and that of the gaming voucher system and coupon system.

(r) An automated gaming voucher and coupon redemption machine must be equipped with electronic digital storage meters that accumulate the following information. The information must be readily available through system reports. Where a value is maintained, the value must be in dollars and cents.

(1) *Physical coin out.* The total value, by denomination, of all coins paid by the automated gaming voucher and coupon redemption machine.

(2) *Voucher in—value.* The value of all cashable gaming vouchers accepted.

(3) *Voucher in—count.* The number of cashable gaming vouchers accepted.

(4) *Coupon in—value.* The value of all cashable coupons accepted.

(5) *Coupon in—count.* The number of cashable coupons accepted.

(6) *Bill in.* The value of all currency accepted by the automated gaming voucher and coupon redemption machine. An automated gaming voucher and coupon redemption machine must also have specific meters for each denomination of currency accepted that records the number of bills accepted.

(7) *Bill out.* The total value of currency dispensed. An automated gaming voucher and coupon redemption machine must also provide for specific meters for each denomination of currency dispensed that record the number of bills dispensed.

(8) *Additional requirements.* Other meters as may be required by technical standards adopted by the Board.

(s) An automated gaming voucher and coupon redemption machine must have the capacity to record and retain, in an automated transaction log, all critical transaction history for at least 30 days. Transaction history must include records with the date, time, amount and disposition of each complete and incomplete transaction, error conditions, logical and physical access and attempted access to the automated gaming voucher and coupon redemption machine. If an automated gaming voucher and coupon redemption machine is capable of redeeming multiple vouchers and coupons in a single transaction, the transaction history must include a breakdown of the transaction with regard to the individual gaming vouchers and coupons.

(t) An automated gaming voucher and coupon redemption machine or ancillary systems, applications and equip-

ment associated with the reconciliation thereof, must be capable of producing the following reports upon request:

(1) *Gaming voucher transaction report.* The report must include the disposition (paid, partial pay, unpaid) of gaming vouchers accepted by an automated gaming voucher and coupon redemption machine which must include the validation number, the date and time of redemption, amount requested and the amount dispensed. This information must be available by reconciliation period which may be by day, shift or drop cycle.

(2) *Coupon transaction report.* This report must include the disposition (paid, partial pay, unpaid) of coupons accepted by an automated gaming voucher and coupon redemption machine which must include the unique serial number, the date and time of redemption, amount requested and the amount dispensed. The information must be available by reconciliation period which may be by day, shift or drop cycle.

(3) *Reconciliation report.* The report must include the following:

- (i) Report date and time.
- (ii) Unique asset identification number of the machine.
- (iii) Total cash balance of the currency cassettes.
- (iv) Total count of currency accepted by denomination.
- (v) Total dollar amount of vouchers accepted.
- (vi) Total count of gaming vouchers accepted.
- (vii) Total dollar amount of coupons accepted.
- (viii) Total count of coupons accepted.

(4) *Gaming voucher, coupon and currency storage box report.* The report must be generated, at a minimum, whenever a gaming voucher, coupon and currency storage box is removed from an automated gaming voucher and coupon redemption machine. The report must include the following:

- (i) Report date and time.
- (ii) Unique asset identification number of the machine.
- (iii) Unique identification number for each storage box in the machine.
- (iv) Total value of currency dispensed.
- (v) Total number of bills dispensed by denomination.
- (vi) Total dollar value of gaming vouchers accepted.
- (vii) Total count of gaming vouchers accepted.
- (viii) Total dollar value of coupons accepted.
- (ix) Total count of coupons accepted.
- (x) Details required to be included in the gaming voucher transaction report required by paragraph (1) and the coupon transaction report required in paragraph (2).

(5) *Transaction report.* The report must include all critical patron transaction history including the date, time, amount and disposition of each complete and incomplete transaction. If an automated gaming voucher and coupon redemption machine is capable of redeeming multiple vouchers or coupons in a single transaction, the transaction history must include a breakdown of the transaction with regard to the individual gaming vouchers and coupons accepted.

§ 461.11. Automated gaming voucher and coupon redemption machines: accounting controls.

Prior to commencing use of an automated gaming voucher redemption machine, an automated coupon redemption machine, bill breaker or some combination thereof, a slot machine licensee shall establish a comprehensive system of internal controls addressing the distribution of currency or coin, or both, to the machines, the removal of gaming vouchers, coupons or currency accepted by the machines and the reconciliations associated therewith. The internal controls shall be submitted to, and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

§ 461.12. Progressive slot machines.

(a) A progressive slot machine is a slot machine that offers a jackpot that may increase in value based upon wagers as the slot machine is played. A progressive slot machine may stand alone, be linked or interconnected with other progressive slot machines. Progressive slot machines located at a licensed facility that are linked or interconnected with progressive slot machines at another licensed facility are collectively referred to as a wide area progressive system.

(b) A slot machine that offers a progressive jackpot which may increase in value based upon wager and is adjusted and displayed by a device other than the approved program that controls the operation of the slot machine, referred to herein as a progressive controller, must have the following features:

(1) For each progressive jackpot offered by the slot machine, a mechanical, electrical or electronic device, to be known as a progressive meter, visible from the front of the slot machine, which may increase in value based upon wagers, that advises the player of the amount which can be won if the slot machine symbols that award the progressive jackpot appear as a result of activation of play of the slot machine.

(2) A slot machine paid progressive payout meter in accordance with § 461.7(h) (relating to slot machine minimum design standards).

(3) A slot attendant paid progressive payout meter in accordance with § 461.7(h).

(4) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid directly by the slot machine or by a slot attendant.

(5) A key and key switch to reset the progressive meter or meters or other reset mechanism as may be approved by the Board.

(6) A key locking the compartment housing the progressive meter or meters or other means by which to preclude any unauthorized alterations to the progressive meters. The key or alternative security method must be different than the key or reset mechanism in paragraph (5).

(7) Dual key control by the security department and slot accounting department, or alternative key controls as the Board approves, of the compartment housing the microprocessor or other unit that controls the progressive meter or meters. The compartment shall be in a location approved by the Board.

(c) A slot machine that is connected to a common progressive meter for the purpose of offering the same progressive jackpot on two or more slot machines must:

(1) Have the same probability of hitting the combination that will award the progressive jackpot as every other slot machine linked to the common progressive meter.

(2) Require that the same amount in wager be invested to entitle the player to a chance at winning the progressive jackpot and that each increase in wager increment the progressive meter by the same rate of progression as every other slot machine linked to the common progressive meter.

(3) Have its program or progressive controller that controls the common display for the progressive meter housed in a location and subject to dual key controls approved by the Board.

(d) Notwithstanding the provisions of subsection (c):

(1) Two or more linked slot machines offering the same progressive jackpot may be of different denominations or have different wagers, or both, required to win the progressive jackpot, provided that:

(i) The probability of winning the progressive jackpot is directly proportional to the wager required to win that jackpot.

(ii) A notice approved by the Board indicating the proportional probability of hitting the progressive jackpot on the a linked progressive system is conspicuously displayed on each linked slot machine.

(2) The probability of winning a progressive jackpot offered on linked slot machines may vary among the slot machines when necessary to enable a slot machine licensee or, as applicable, a slot system operator, to institute a change in the probability which is otherwise permitted by this subpart, if the change is completed expeditiously in accordance with procedures that have been filed with and approved by the Board.

(e) A slot machine licensee seeking to utilize a linked slot machine shall submit to the Board for approval the location and manner of installing any progressive meter display mechanism.

(f) A slot machine that offers a progressive jackpot may not be placed on the gaming floor until the slot machine licensee or, as applicable, the slot system operator, has submitted to the Board, in a manner the Board directs, and the Board has approved, the following:

(1) The initial and reset amounts at which the progressive meter or meters will be set.

(2) The proposed system for controlling the keys and applicable logical access controls to the slot machines.

(3) The proposed rate of progression for each progressive jackpot.

(4) The proposed limit for the progressive jackpot, if any.

(5) The calculated probability of winning each progressive jackpot. The probability may not exceed 50 million to 1. Notwithstanding the foregoing, this paragraph does not apply to a jackpot with a probability that may exceed 50 million to 1 during the game cycle due solely to the intervening occurrence of free play awards between the activation of a play and the award of the jackpot.

(g) Progressive meters may not be turned back to a lesser amount unless one of the following occurs:

(1) The amount indicated has been actually paid to a winning patron.

(2) The progressive jackpot amount won by the patron has been recorded in accordance with a system of internal controls approved under § 465.3 (relating to internal control systems and audit protocols).

(3) The progressive jackpot has, with prior Board approval, been transferred to another progressive slot machine or wide area progressive system in accordance with this subpart.

(4) The change is necessitated by a slot machine or meter malfunction, in which case:

(i) For progressive jackpots governed by subsection (b), an explanation shall be entered on the progressive slot summary required by this subpart and the Board shall be notified of the resetting in writing in a manner the Board directs.

(ii) For progressive jackpots governed by subsection (m), an explanation shall be entered on the machine entry authorization log required under this subpart unless the slot machine automatically addresses the malfunction in a manner approved by the Board.

(h) Once an amount appears on a progressive meter, the probability of hitting the combination that will award the progressive jackpot may not be decreased unless the progressive jackpot has been won by a patron or the progressive jackpot has been transferred to another progressive slot machine or wide area progressive system or removed in accordance with subsection (j).

(i) When a slot machine has a progressive meter with digital limitations on the meter, the slot machine licensee shall set a limit on the progressive jackpot not to exceed the display capability of the progressive meter.

(j) A slot machine licensee or, as applicable, a slot system operator, may limit, transfer or terminate a progressive jackpot offered on a gaming floor only under the following circumstances:

(1) A slot machine licensee may establish a payout limit for a progressive jackpot provided that the payout limit is greater than the then current payout amount on the progressive jackpot meter. The slot machine licensee shall notice the Board, in a manner the Board directs, of the imposition of a payout limit on a progressive meter or a modification thereto concurrent with the setting of the payout limit.

(2) A slot machine licensee may terminate a progressive jackpot concurrent with the winning of the progressive jackpot provided its slot machine program or progressive controller was configured prior to the winning of the progressive jackpot to establish a fixed reset amount with no progressive increment.

(3) A slot machine licensee may immediately and permanently remove one or more linked slot machines from a gaming floor, provided that:

(i) When the slot machine is part of a wide area progressive system offered at multiple licensed facilities, the slot machine licensee retains at least one linked slot machine offering the same progressive jackpot on its gaming floor.

(ii) When the progressive jackpot is only offered in a single licensed facility, at least two linked slot machines offering the same progressive jackpot remain on the gaming floor.

(4) A slot machine licensee may transfer a progressive jackpot amount on a stand alone slot machine or the common progressive jackpot on an entire link of slot machines with a common progressive meter, including a

wide area progressive system, from a gaming floor provided the progressive jackpot is:

- (i) Transferred in its entirety.
- (ii) Transferred to one of the following:

(A) The progressive meter for a slot machine or wide area progressive system with the same or greater probability of winning the progressive jackpot, the same or lower wager requirement to be eligible to win the progressive jackpot, and the same type of progressive jackpot (cash, annuity, annuity/cash option or a combination/alternate jackpot). However, if no other slot machine or wide area progressive system meets all of these qualifications, the Board may authorize a transfer of the jackpot to the progressive meter of the most similar slot machine or wide area progressive system available if the Board finds the transfer would be in the public interest.

(B) The progressive meters of two separate slot machines or wide area progressive systems, provided that each slot machine or wide area progressive system to which the jackpot is transferred individually satisfies the requirements of clause (A).

(iii) Notice of intent to transfer the progressive jackpot is conspicuously displayed on the front of each slot machine for at least 30 days.

(iv) Notice of intent to transfer the progressive jackpot is provided in writing to the Board, in a manner the Board directs, at least 30 days prior to the transfer of the progressive jackpot.

(5) A slot machine licensee may immediately and permanently remove a progressive jackpot on a stand alone progressive slot machine, the common progressive jackpot on an entire link of slot machines with a common progressive meter or an entire wide area progressive system from a gaming floor provided notice of intent to remove the progressive jackpot is:

(i) Conspicuously displayed on the front of each slot machine for at least 30 days.

(ii) Provided in writing to the Board, in a manner the Board directs, at least 30 days prior to the removal of the progressive jackpot.

(k) The amount indicated on the progressive meter or meters and coin in meter on each slot machine governed by subsection (b) shall be recorded on a progressive slot summary report at least once every 7 calendar days and each report shall be signed by the preparer. If not prepared by the slot accounting department, the progressive slot summary report shall be forwarded to the slot accounting department by the end of the gaming day on which it is prepared. A representative of the slot accounting department shall be responsible for calculating the correct amount that should appear on a progressive meter. If an adjustment to the progressive meters is necessary, the adjustment shall be made by a member of the slot operations department as follows:

(1) Supporting documentation shall be maintained to explain any addition or reduction in the registered amount on the progressive meter. The documentation must include the date, asset number of the slot machine, the amount of the adjustment and the signatures of the slot accounting department member requesting the adjustment and of the slot operations department member making the adjustment.

(2) The adjustment must be effectuated within 48 hours of the meter reading.

(l) Except as otherwise authorized by this section, a slot machine offering a progressive jackpot that is removed from the gaming floor shall be returned to or replaced on the gaming floor within 5 gaming days. The amount on the progressive meter or meters on the returned or replacement slot machine may not be less than the amount on the progressive meter or meters at the time of removal. If a slot machine offering a progressive jackpot is not returned or replaced, any progressive meter amount at the time of removal shall, within 5 days of the slot machine's removal, be added to a slot machine offering a progressive jackpot approved by the Board which slot machine offers the same or a greater probability of winning the progressive jackpot and requires the same wager or less than the wager required to win the progressive jackpot on the slot machine that was removed. This subsection does not apply to the temporary removal by a slot machine licensee, for a period not to exceed 30 days, of all linked slot machines that are part of a particular wide area progressive system, provided that the progressive jackpot offered by the temporarily removed slot machines remains available on slot machines that are part of the same wide area progressive system in another licensed facility.

(m) A slot machine that offers a progressive jackpot controlled by a slot machine program with a fixed initial and reset amount, rate of progression and progressive jackpot limit which cannot be changed by the slot machine licensee must limit the progressive jackpot to an amount which is less than \$1,200.

(n) A progressive jackpot governed by subsection (m) is not subject to subsections (j)(4), (k) or (l).

(o) Where a slot machine is located adjacent to a slot machine offering a progressive jackpot, the slot machine licensee shall conspicuously display on the slot machine a notice advising patrons that the slot machine is not participating in the progressive jackpot of the adjacent slot machine.

§ 461.13. Wide area progressive systems.

(a) Two or more slot machine licensees may, with the prior written approval of the Board, operate linked progressive slot machines that are interconnected between two or more participating licensed facilities. The slot machines participating in the link shall be collectively referred to as wide area progressive system.

(b) A wide area progressive system shall at all times be installed and operated in accordance with relevant requirements of the act, this subpart and technical standards on wide area progressive systems adopted by the Board.

(c) A wide area progressive system shall be operated and administered by participating slot machine licensees in accordance with the terms and conditions of a written agreement executed by the participating slot machine licensees. The agreement shall be referred to as a slot system agreement. Slot system agreements must be approved in writing by the Board prior to implementation and comply with the act, this subpart and technical standards on wide area progressive systems adopted by the Board.

(d) Slot machine licensees participating in a slot system agreement may delegate, in whole or in part, the operation and administration of a wide area progressive system to a licensed manufacturer provided that the slot system agreement is executed by the licensed manufacturer and its express terms are determined by the Board to be in compliance with the act, this subpart and

technical standards on wide area progressive systems adopted by the Board. The persons designated in a slot system agreement as being responsible for the operation and administration of a wide area progressive system shall be referred to as the slot system operator.

(e) An agreement between a licensed manufacturer and a slot machine licensee under which a licensed manufacturer sells, leases or services a wide area progressive system will not constitute a slot service agreement unless the agreement also covers operation and administration of the wide area progressive system.

(f) Slot system agreements must address:

(1) Details with regard to the terms of compensation for the slot system operator. In specific, the agreement must address to what extent, if any, the slot system operator is receiving compensation based, directly or indirectly, on an interest, percentage or share of a slot machine licensee's revenue, profits or earnings from the operation of the wide area progressive system.

(2) Responsibility for the funding and payment of all jackpots, fees and gross terminal revenue taxes associated with the operation of the wide area progressive system.

(3) Control and operation of the computer monitoring room required under this subpart.

(4) Other requirements requested by the Board, including those required to comply with technical standards on wide area progressive systems adopted by the Board.

(g) A wide area progressive system shall be controlled and operated from a computer monitoring room approved by the Board. The computer monitoring room must:

(1) Be under the sole possession and control of, and maintained and operated by, employees of the slot system operator designated in the slot system agreement for that system. The employees shall be licensed or permitted as the Board deems appropriate based on an analysis of specific duties and responsibilities.

(2) Have its monitoring equipment subjected to surveillance coverage either by the surveillance system of a slot machine licensee participating in the slot system agreement or by a dedicated surveillance system maintained by the slot system operator. Surveillance coverage must be in accordance with technical standards adopted by the Board.

(3) Be accessible through a locked door. The door must be alarmed in a manner that audibly signals the surveillance monitoring room for the surveillance system elected under paragraph (2).

(4) Have a computer monitoring room entry log. The log must be:

(i) Kept in the computer monitoring room.

(ii) Maintained in a book with bound numbered pages that cannot be readily removed.

(iii) Signed by each person entering the computer monitoring room who is not an employee of the slot system operator expressly employed in the computer monitoring room on his assigned shift. Entries must contain:

(A) The date and time of entering and exiting the room.

(B) The name, department or employer, when applicable, license number of the person entering and exiting the room and of the person authorizing the entry.

(C) The reason for entering the computer monitoring room.

(5) Reside within a participating licensed facility or other location approved by the Board.

§ 461.14. Slot monitoring systems.

(a) A slot machine licensee may utilize a slot monitoring system which has an interface between it and slot machines and related systems that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) A slot monitoring system must comply with the act, this subpart and technical standards on slot monitoring systems adopted by the Board.

§ 461.15. Casino management systems.

(a) A slot machine licensee may utilize a casino management system which has an interface between it and slot machines and related systems tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) A casino management system must comply with the act, this subpart and technical standards on casino management systems adopted by the Board.

§ 461.16. Player tracking systems.

(a) A slot machine licensee may utilize a player tracking system which has an interface between it and slot machines and related systems tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) A player tracking system must comply with the act, this subpart and technical standards on player tracking systems adopted by the Board.

§ 461.17. External bonusing systems.

(a) A slot machine licensee may utilize an external bonusing system that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) The combination of the slot machine theoretical payout percentage plus the bonus awards generated by an external bonusing system cannot equal or exceed 100% of the theoretical payout for a slot machine on which the external bonus award is available.

(c) A slot machine connected to an external bonusing system must satisfy the minimum theoretical payout percentage required under this subpart without the contribution of any external bonus award available on the slot machine.

(d) An external bonusing system must comply with the act, this subpart and technical standards on external bonusing systems adopted by the Board.

§ 461.18. Cashless funds transfer systems.

(a) A slot machine licensee may utilize a cashless funds transfer system that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) A cashless funds transfer system must comply with the act, this subpart and technical standards on cashless funds transfer systems adopted by the Board.

(c) Prior to utilizing a cashless funds transfer system, a slot machine licensee must establish a system of internal controls applicable to the cashless funds transfer system. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control

systems and audit protocols). The internal control procedures submitted by the slot machine licensee must address the integrity, security and control of its cashless funds transfer system and include:

- (1) An overview of the system design.
- (2) System access controls and restrictions.
- (3) Override policies and restrictions.
- (4) Backup and recovery procedures.
- (5) Logical and physical access controls and restrictions.
- (6) Network security.
- (7) Procedures for handling customer disputes.
- (d) Transfer of electronic credits to a slot machine under this section shall be initiated by a patron using an access control approved by the Board. Access controls must require the use of a unique access code for each patron. The access code shall be selected by and only available to the patron.

(e) A record of every transfer of electronic credits to a slot machine under this section shall be maintained by the slot machine licensee and shall be identified by, at a minimum, the date, time and the asset number of the slot machine to which the transfer occurred and an identification number assigned to the patron who initiated the transaction. The identification number assigned to a patron for the purposes of this section must be different from the unique access code selected by the patron as part of an access control.

(f) On at least a monthly basis, a slot machine licensee using a cashless funds transfer system shall provide a statement to a patron who has participated in the system that month. The statement must include, at a minimum, the patron's beginning monthly balance, credits earned, credits transferred to a slot machine pursuant to this section and the patron's monthly ending balance. With the written authorization of the patron, the mailing of a monthly statement may be omitted or be issued electronically to the patron. Notwithstanding the foregoing, a monthly statement is not required for transfers of temporary electronic credits or transfers of electronic credits from a temporary anonymous account.

(g) A slot machine licensee shall notice the Slot Lab in writing of any adjustment to the amount of a credit transferred to a slot machine by means of a cashless funds transfer system. The notice shall be made on or before the date of adjustment.

§ 461.19. Remote system access.

(a) In emergency situations or as an element of technical support, an employee of a licensed manufacturer may perform analysis of, or render technical support with regard to, a slot machine licensee's slot monitoring system, casino management system, player tracking system, external bonusing system, cashless funds transfer system, wide area progressive system, gaming voucher system or other Board-approved system from a remote location.

(b) Remote system access shall be performed in accordance with technical standards on remote system access adopted by the Board.

(c) A slot machine licensee authorizing access to a system by a licensed manufacturer under this section shall be responsible for implementing a system of access protocols and other controls over the physical integrity of that system and the remote access process sufficient to

insure appropriately limited access to software and the system wide reliability of data.

§ 461.20. Server supported slot systems.

(a) The following terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Server supported slot machine—A slot machine connected to, and administered by, a server supported slot system.

Slot machine server—A computer configured to:

(i) Receive, store, authenticate and download to server supported slot machines Board-approved slot machine games and other approved software. A slot machine server may also be used to effect changes in a server supported slot machine's configuration.

(ii) Receive, store and authenticate Board-approved slot machine games and other approved software for use on server based slot machines.

Server supported slot system—A system comprised of one or more server supported slot machines connected to a slot machine server and its ancillary computer network for the ultimate purpose of downloading Board-approved slot machine games and other approved software to server supported slot machines.

(b) A slot machine licensee may utilize a server supported slot system that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(c) A server supported slot system must comply with the act, this subpart and technical standards on server supported slot systems adopted by the Board.

(d) Results from the play or operation of a server supported slot machine connected to a server supported slot system must be determined solely by the individual server supported slot machine and not by the server supported slot machine server or any other ancillary computer network.

(e) Prior to utilizing a server supported slot system, a slot machine licensee shall establish a system of internal controls applicable to the server supported slot system. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols). The internal control procedures submitted by the slot machine licensee must address the integrity, security and control of the server supported slot system.

§ 461.21. Server based slot systems.

(a) The following terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Server based slot machine—A slot machine accessing a server based slot system.

Slot machine server—A computer configured to:

(i) Receive, store, authenticate and download to server supported slot machines Board-approved slot machine games and other approved software. A slot machine server may also be used to effect changes in a server supported slot machine's configuration.

(ii) Receive, store and authenticate Board-approved slot machine games and other approved software for use on server based slot machines.

Server based slot system—A system comprised of one or more server based slot machines connected to a server based slot machine server and its ancillary computer network for the purpose of facilitating access by a server based slot machine to Board-approved slot machine games and other approved software residing on the server based slot machine server.

(b) A slot machine licensee may utilize a server based slot system that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(c) A server based slot system must comply with the act, this subpart and technical standards on server based slot systems adopted by the Board.

(d) Results from the play or operation of a server based slot machine must be determined solely by the server based slot machine server and not by the individual server based slot machine.

(e) Prior to utilizing a server based slot system, a slot machine licensee shall establish a system of internal controls applicable to the server based slot system. The internal controls shall be submitted to and approved by the Board under § 465.3 (relating to internal control systems and audit protocols). The internal control procedures submitted by the slot machine licensee must address the integrity, security and control of its server based slot system.

§ 461.22. Automated jackpot payout machines.

(a) A slot machine licensee may utilize an automated jackpot payout machine that has been tested and approved by the Board under § 461.4 (relating to submission for testing and approval).

(b) An automated jackpot payout machine must comply with the act, this subpart and technical standards on automated jackpot payout machines adopted by the Board.

(c) Prior to commencing use of an automated jackpot payout machine, a slot machine licensee shall establish a comprehensive system of internal controls addressing the payment of jackpot payouts utilizing an automated jackpot payout machine and the distribution of currency or coin, or both, to the machines. The internal controls shall be submitted to, and approved by the Board under § 465.3 (relating to internal control systems and audit protocols).

§ 461.23. Slot machines and associated equipment utilizing alterable storage media.

(a) *Definition.* The following term, when used in this section, has the following meaning, unless the context clearly indicates otherwise:

Alterable storage media—Memory or other storage medium, such as an EEPROM, flash, optical or magnetic storage device, that is contained in a slot machine or associated equipment subject to approval under § 461.4 (relating to submission for testing and approval), that allows the modification of programs or data on the storage media during the normal operation of the slot machine or associated equipment. The term does not include:

(i) Memory or other storage medium typically considered to be alterable but through either software or hardware means approved by the Board have been rendered unalterable and remain verifiable by the central control computer system.

(ii) Associated equipment using alterable storage media that the Board determines are incapable of influencing the integrity or outcome of game play.

(b) *Use of alterable storage media.* Any use of alterable storage media in a slot machine or associated equipment must be in compliance with the act, this subpart and technical standards on alterable storage media adopted by the Board.

§ 461.24. Waivers.

The Board may waive one or more of the requirements in this chapter or the technical standards applicable to slot machines and associated equipment adopted by the Board upon a determination that the nonconforming slot machine or associated equipment or modification as configured meets the operational integrity requirements of the act, this subpart and technical standards adopted by the Board.

§ 461.25. Disputes.

(a) If a dispute arises with a patron concerning payment of alleged winnings, the slot machine licensee shall notify the patron in writing, concurrent with its initial receipt of notice of the dispute, that the patron has the right to contact the Board with regard to the dispute.

(b) When a slot machine licensee refuses to pay winnings claimed by a patron and the patron and the slot machine licensee remain unable to resolve the dispute after 7 days, the slot machine licensee shall, on the next day, notify the Board in writing of the dispute in a manner and form the Board prescribes. The notice must identify the parties to the dispute and shall state the known relevant facts regarding the dispute.

CHAPTER 463. POSSESSION OF SLOT MACHINES

Sec.

- 463.1. Possession of slot machines generally.
- 463.2. Transportation of slot machines into, within and out of this Commonwealth.
- 463.3. Slot machine location.
- 463.4. Connection to the central control computer system.
- 463.5. Slot machine master list.
- 463.6. Notice to central control computer system.

§ 463.1. Possession of slot machines generally.

(a) Except as otherwise provided in this section and 18 Pa.C.S. § 5513 (relating to gambling devices, gambling, and the like), a person may not possess any slot machine within this Commonwealth that may be used for gambling activity.

(b) The following persons and any employee or agent acting on their behalf may possess slot machines in this Commonwealth for the purposes described herein, subject to the terms and conditions imposed by the Board, provided that the slot machines are stored in secure locations specifically approved in writing by the Board and that any slot machines located outside of a licensed facility are not used for gambling activity:

(1) An applicant for, or holder of a slot machine license, for the purpose of maintaining for use, training or operating slot machines in a licensed facility.

(2) The holder of a manufacturer license for the purpose of manufacturing, exhibiting, demonstrating, training or preparing for transfer to a supplier licensee.

(3) The holder of a supplier license for the purpose of distributing, repairing, servicing, exhibiting or demonstrating slot machines and any training with regard thereto.

(4) An educational institution, as authorized in writing by the Board, for the purpose of teaching slot machine design, operation, repair or servicing.

(5) A manufacturer or supplier of slot machines not licensed within this Commonwealth, as authorized in writing by the Board, for the limited purpose of temporary exhibition or demonstration.

(6) A common carrier, for the purpose of transporting slot machines in accordance with § 463.2 (relating to the transportation of slot machines into, within and out of this Commonwealth).

(7) An employee or agent of the Board, the Department, the Pennsylvania State Police or any law enforcement agency of this Commonwealth for the purpose of fulfilling official duties or responsibilities.

(8) Other persons authorized in writing by the Board upon a finding that the possession of slot machines by those persons in this Commonwealth is not contrary to the goals and objectives of the act.

§ 463.2. Transportation of slot machines into, within and out of this Commonwealth.

In furtherance of section 1511 of the act (relating to the declaration of exemption from federal laws prohibiting slot machines), prior to the transport or movement of a slot machine into this Commonwealth, from one person authorized to possess slot machines under § 463.1 (relating to possession of slot machines generally) to another person authorized within this Commonwealth or transport or movement out of this Commonwealth, the persons causing the slot machine to be transported or moved shall notify the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board. The notice shall be submitted no later than the day the slot machine is transported and include the following information:

(1) The name and address of the person shipping or moving the slot machine.

(2) The name and address of the person who owns the slot machine, if different from the person shipping or moving the machine.

(3) The name and address of a new owner if ownership is being changed in conjunction with the shipment or movement.

(4) The method of shipment or movement and the name and address of the common carrier or carriers, if applicable.

(5) The name and address of the person to whom the slot machine is being sent and the destination of the slot machine, if different from that address.

(6) The quantity of slot machines being shipped or moved and the manufacturer's serial number of each machine.

(7) The expected date and time of delivery to, or removal from, any authorized location within this Commonwealth.

(8) The port of entry, or exit, if any, of the slot machine if the origin or destination of the slot machine is outside the continental United States.

(9) The reason for transporting or moving the slot machine.

§ 463.3. Slot machine location.

(a) A gaming floor must consist of one or more areas within a licensed facility approved by the Board for the placement and operation of slot machines.

(b) A slot machine in a slot machine area on a gaming floor shall be placed at a location, which location may contain no more than one slot machine, identified by number on a gaming floor plan approved by the Board under section 1322 of the act (relating to slot machine accounting controls and audits) and § 467.1 (relating to gaming floor plan) and shall also be identified by this slot machine location number and an asset number on a Slot Machine Master List.

§ 463.4. Connection to the central control computer system.

Prior to utilization for gambling activity, a slot machine on a gaming floor shall be connected or linked to a central control computer system having the capabilities and in compliance with the terms of section 1323 of the act (relating to central control computer system).

§ 463.5. Slot machine master list.

(a) Prior to the commencement of operations at a licensed facility, an applicant for, or holder of, a slot machine license shall file with the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, a complete list of slot machines possessed by the applicant or licensee on its gaming floor, in Board-approved restricted areas off the gaming floor but within the licensed facility, and in Board-approved storage locations in this Commonwealth off the premises of the licensed facility. The list shall be denoted as a Slot Machine Master List.

(b) The Slot Machine Master List must contain the following information which, for those slot machines located on the gaming floor, must be presented for each slot machine in consecutive order by the slot machine location number under § 463.3 (relating to slot machine location):

(1) The date the list was prepared.

(2) A description of each slot machine by:

(i) Asset number and model and manufacturer's serial number.

(ii) Denomination, if configured for multiple denominations, a list the denominations.

(iii) Manufacturer and machine type, noting whether the machine is a high-boy, is a progressive or a wide area progressive slot machine

(iv) An indication as to whether the slot machine is configured to communicate with a cashless funds transfer system.

(v) An indication as to whether the slot machine is configured to communicate with a gaming voucher system.

(3) For those slot machines located off the gaming floor, an indication as to whether the slot machine is in a Board-approved restricted area off the gaming floor but within the licensed facility or in a Board-approved storage location in this Commonwealth off the premises of the licensed facility.

(4) Additional documentation requested by the Board.

(c) Once a slot machine has been placed in an authorized location on the gaming floor or is stored in a Board-approved restricted area off the gaming floor but within the licensed facility, all subsequent movements of that slot machine within the licensed facility shall be recorded by a slot department member in a machine movement log which includes the following:

(1) The asset number and model and manufacturer's serial number of the moved slot machine.

(2) The date and time of movement.

(3) The location from which the slot machine was moved.

(4) The location to which the slot machine was moved.

(5) The date and time of any required notice to the Department in connection with activation or disabling of the slot machine in the central control computer system.

(6) The signature of the slot shift manager and the lead technician verifying the movement of the slot machine in compliance with this section.

(d) Documentation summarizing slot machine movements within a licensed facility shall be submitted to the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, on a daily basis.

(e) On the first Tuesday of each month following the initial filing of a Slot Machine Master List, an applicant for, or holder of, a slot machine license shall file with the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, an updated Slot Machine Master List containing the information, required in subsection (b).

(f) Manufacturer licensees, supplier licensees, educational institutions, Board-authorized manufacturers and suppliers not licensed within this Commonwealth and regulatory and law enforcement agencies that possess slot machines under § 463.1 (relating to possession of slot machines generally) shall file with the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, a complete list of slot machines possessed by the person. The list shall be

denoted as a Slot Machine Master List, shall be filed within 3 business days of the initial receipt of slot machines and contain the following information:

(1) The date on which the list was prepared.

(2) A description of each slot machine by:

(i) Model and manufacturer's serial number.

(ii) Manufacturer and machine type, noting whether the machine is a high-boy, is a progressive or a wide area progressive slot machine.

(g) On the first Tuesday of each month following the initial filing of a Slot Machine Master List, those persons enumerated in subsection (f) shall file with the Board's Director of Gaming Laboratory Operations, in writing or in an electronic format approved by the Board, an updated Slot Machine Master List containing the information, required in subsection (f).

§ 463.6. Notice to central control computer system.

To insure activation or disabling, as appropriate, in the central control computer system and the retrieval of real time meter information from the slot machine coincident with the movement of a slot machine, the slot machine licensee shall provide the Department with notice of the slot movement, in a form and pursuant to a time frame prescribed by the Department. The notice is required prior to any of the following:

(1) Placement of a slot machine on the gaming floor.

(2) Movement of a slot machine between slot machine locations on the gaming floor.

(3) Removal of a slot machine from the gaming floor.

[Pa.B. Doc. No. 06-2107. Filed for public inspection October 27, 2006, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Aging

The Executive Board approved a reorganization of the Department of Aging effective September 19, 2006.

The organization chart at 36 Pa.B. 6540 (October 28, 2006) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 06-2108. Filed for public inspection October 27, 2006, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Agriculture

The Executive Board approved a reorganization of the Department of Agriculture effective October 6, 2006.

The organization chart at 36 Pa.B. 6541 (October 28, 2006) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 06-2109. Filed for public inspection October 27, 2006, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Banking

The Executive Board approved a reorganization of the Department of Banking effective October 6, 2006.

The organization chart at 36 Pa.B. 6542 (October 28, 2006) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 06-2110. Filed for public inspection October 27, 2006, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Corrections

The Executive Board approved a reorganization of the Department of Corrections effective October 6, 2006.

The organization chart at 36 Pa.B. 6543 (October 28, 2006) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 06-2111. Filed for public inspection October 27, 2006, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective October 2, 2006.

The organization chart at 36 Pa.B. 6544 (October 28, 2006) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 06-2112. Filed for public inspection October 27, 2006, 9:00 a.m.]

PART II. EXECUTIVE BOARD**[4 PA. CODE CH. 9]****Reorganization of the Liquor Control Board**

The Executive Board approved a reorganization of the Liquor Control Board effective September 19, 2006.

The organization chart at 36 Pa.B. 6545 (October 28, 2006) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 06-2113. Filed for public inspection October 27, 2006, 9:00 a.m.]

PART II. EXECUTIVE BOARD**[4 PA. CODE CH. 9]****Reorganization of the Public School Employees' Retirement System**

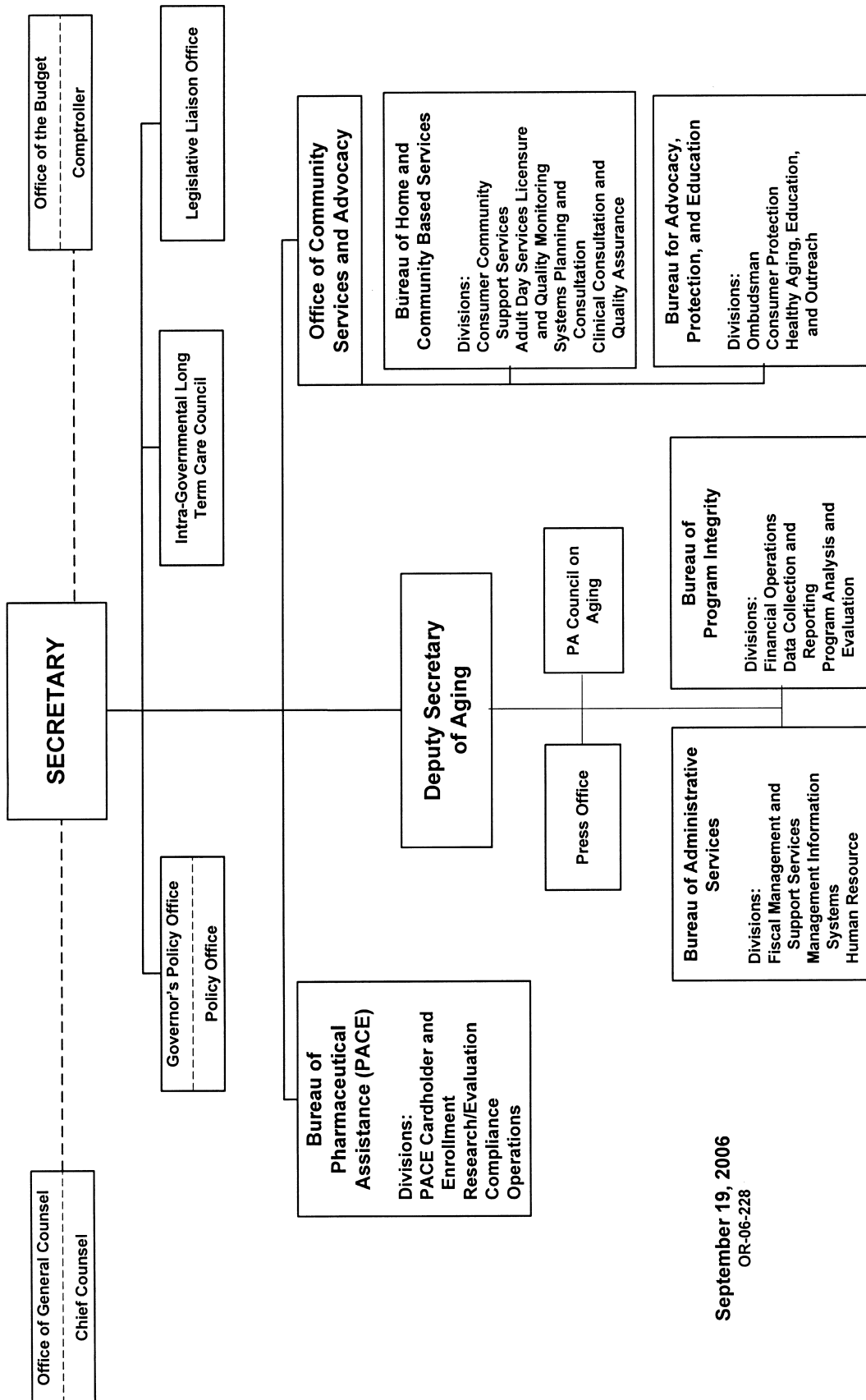
The Executive Board approved a reorganization of the Public School Employees' Retirement System effective October 6, 2006.

The organization chart at 36 Pa.B. 6546 (October 28, 2006) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

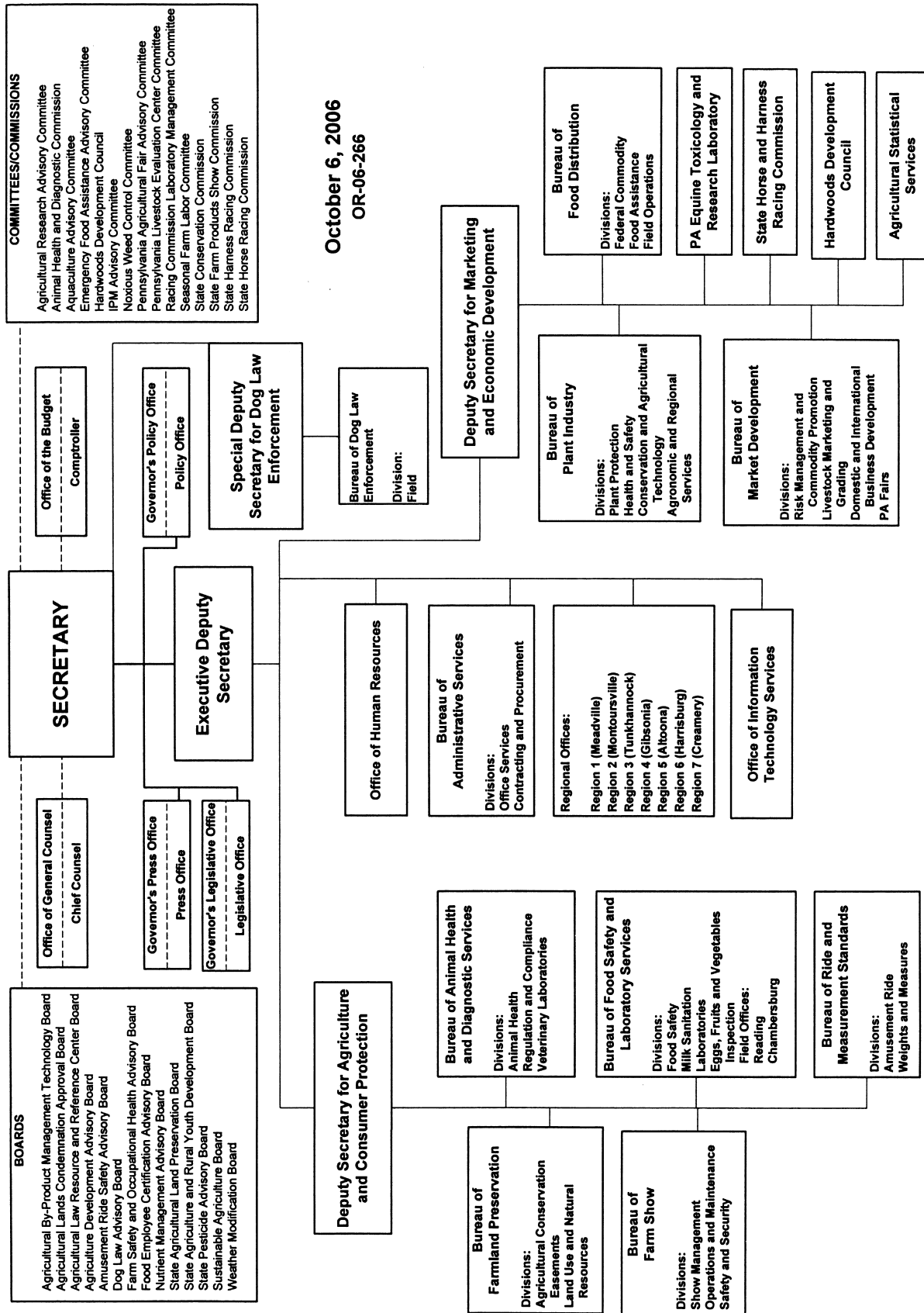
[Pa.B. Doc. No. 06-2114. Filed for public inspection October 27, 2006, 9:00 a.m.]

DEPARTMENT OF AGING

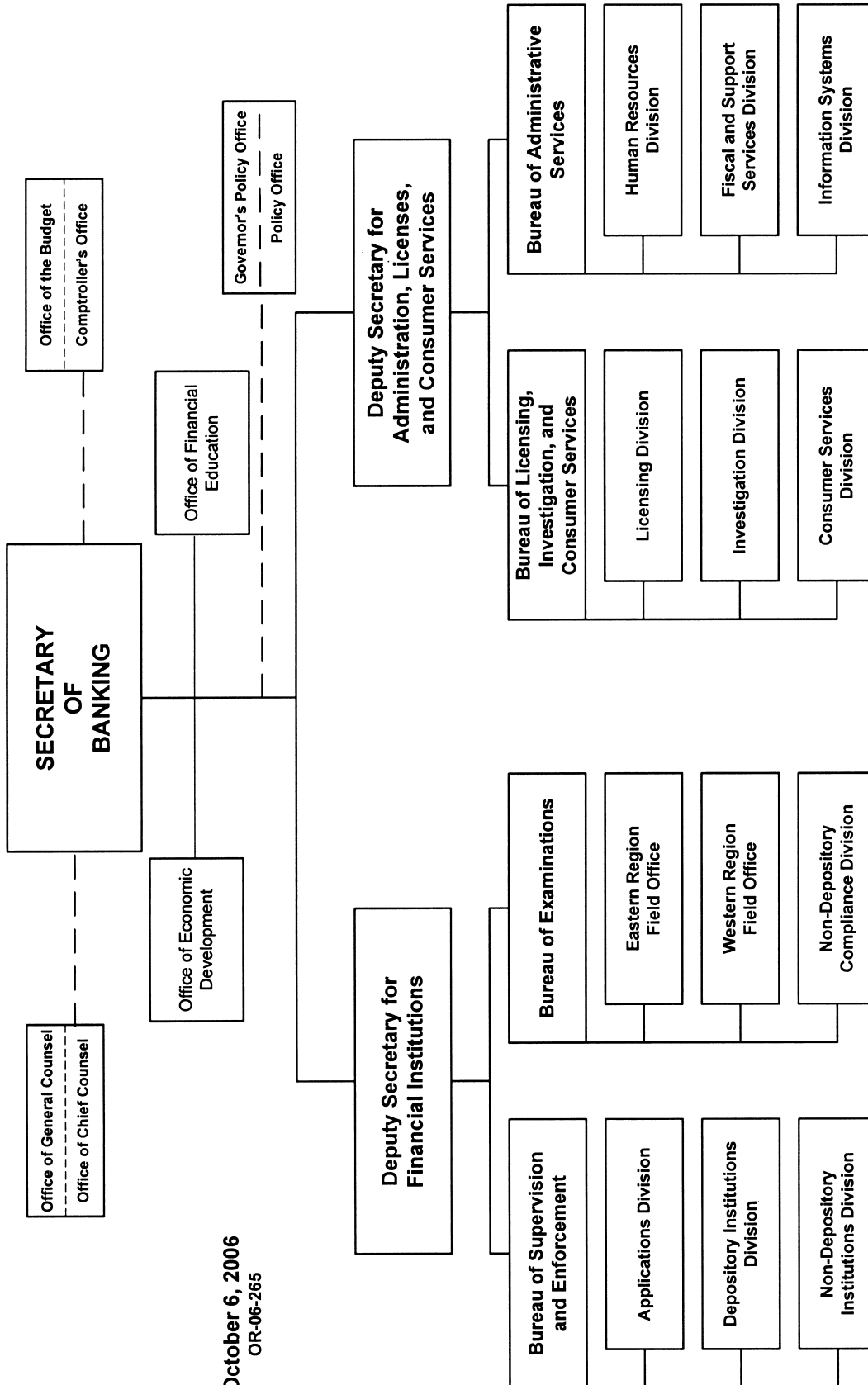


September 19, 2006
OR-06-228

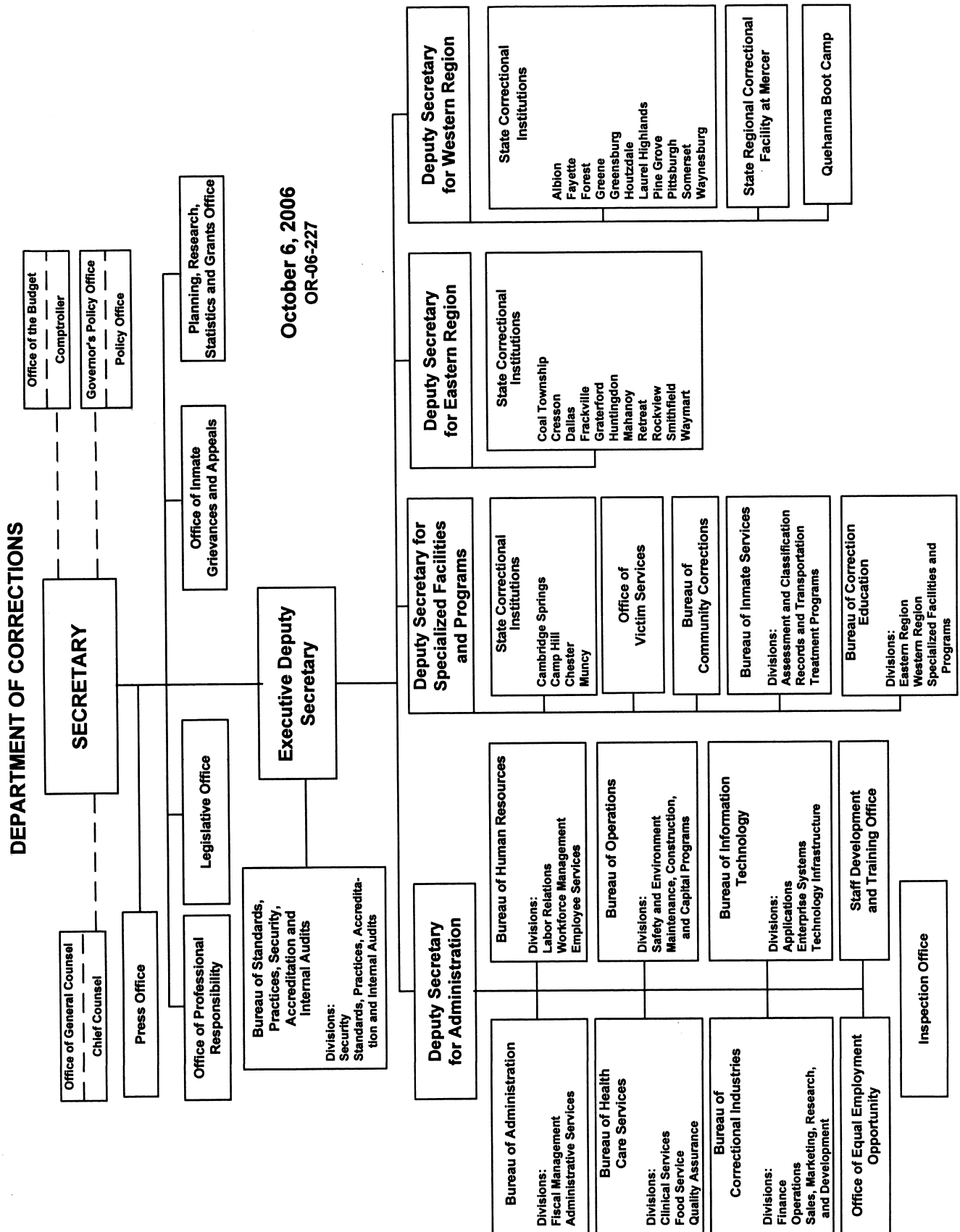
DEPARTMENT OF AGRICULTURE



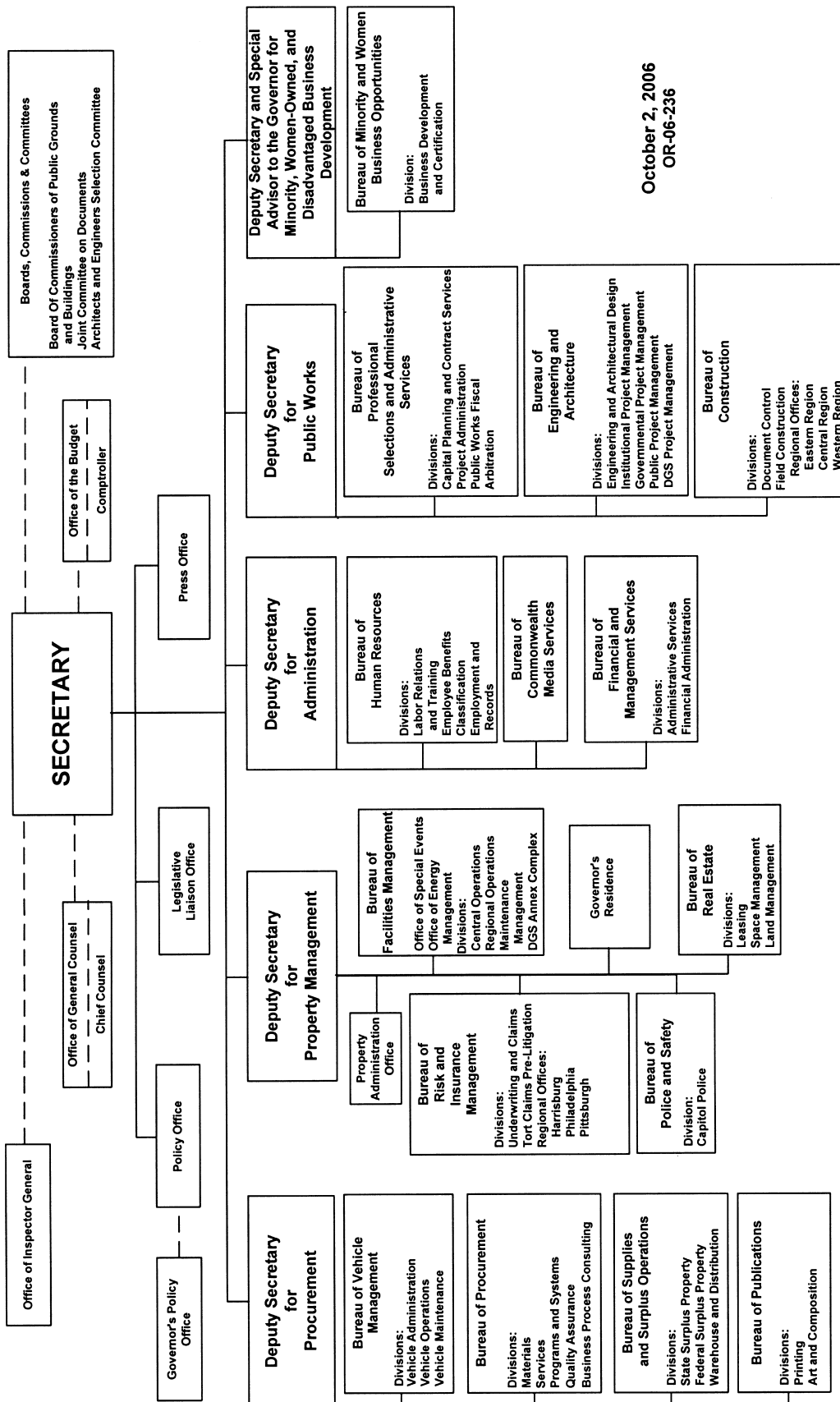
DEPARTMENT OF BANKING

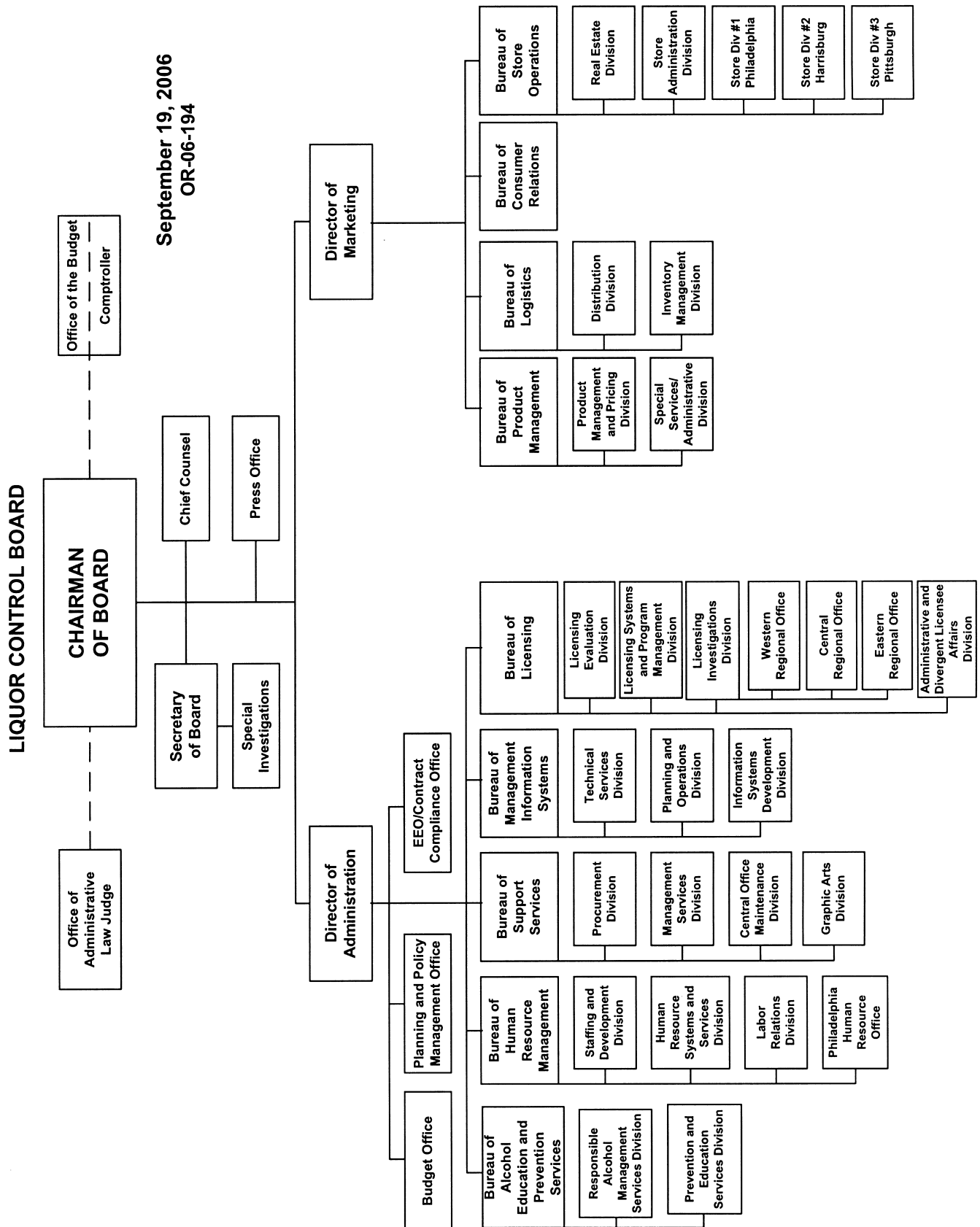


October 6, 2006
OR-06-265

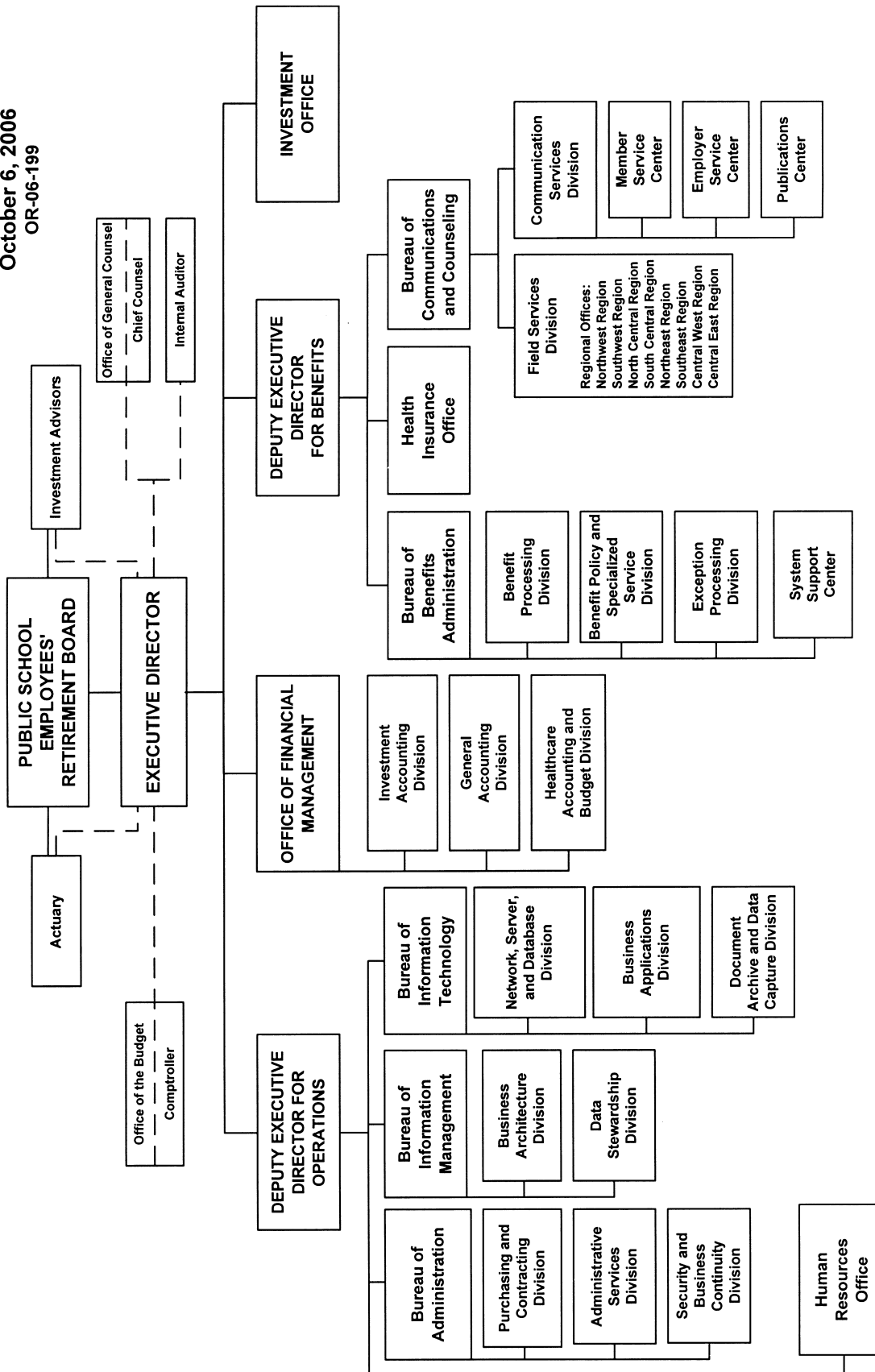


DEPARTMENT OF GENERAL SERVICES

October 2, 2006
OR-06-236



PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM

October 6, 2006
OR-06-199

Title 34—LABOR AND INDUSTRY

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 231]

Minimum Wage Increase and Training Wage

The Department of Labor and Industry (Department), through its Bureau of Labor Law Compliance (Bureau), adds §§ 231.101—231.103 (relating to minimum wage increase; small business; and training wage) to read as set forth in Annex A. The statement of policy is added under sections 4(a)(6)—(8) and (e) and 5(c) of The Minimum Wage Act of 1968 (act) (43 P. S. §§ 333.104(a)(6)—(8) and (e) and 333.105(c)), added by the act of July 9, 2006 (P. L. 1077, No. 112) (Act 112).

A. Effective Date

This statement of policy will be effective immediately upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

The contact person for this statement of policy is James A. Holzman, Deputy Chief Counsel, Bureau of Labor Law Compliance, 10th Floor Labor and Industry Building, 7th and Forster Streets, Harrisburg, PA 17120, (717) 787-4186, fax: (717) 783-5027, jholzman@state.pa.us.

C. Statutory Authority

On July 9, 2006, amendments to sections 4(a)(6)—(8) and (e) and 5(c) of the act were approved which, among other things, raised the minimum wage, addressed the minimum wage for small business and provided a training wage for workers under 20 years of age. This statement of policy is published under the authority of section 9 of the act (43 P. S. § 333.109), which authorizes the Secretary of the Department to enforce the act and to draft and revise regulations that are deemed appropriate to carry out the act's provisions.

D. Purpose of the Statement of Policy

This statement of policy contains an interpretation of the amendments to the act without enumerating further requirements.

Section 231.101 contains the required minimum wage for most employers and the effective dates. The tipped credit is not changed by the amendments, with the exception that an employer must pay the difference of the \$2.83 per hour credit and the new minimum wage. See section 3(d) of the act (43 P. S. § 333.103(d)) and the definitions of "tipped employee" and "tips" in § 231.1(b) (relating to definitions).

Section 231.102 contains the interpretation of the amendments to section 5(c) of the act pertaining to new minimum wage requirements for employers that have an employee complement of the equivalent of ten or less full-time employees based on a 40-hour workweek. Subsection (a) contains the minimum wage increase schedule for these employers.

Subsection (b) enumerates that the equivalent of ten or less full-time employees is calculated on a 40-hour workweek. A workweek is a period of 7 consecutive days starting on any day selected by the employer. See § 231.42 (relating to workweek).

Subsection (c) contains information on calculations based on the amendment. If the total number of hours worked by all employees exceeds 400 hours, the employer is not eligible for this minimum wage (10 employees × 40 hours). See section 5(c)(1) of the act. See also section 4(c) of the act and § 231.41 (relating to rate). However, some employers may be ineligible for this minimum wage if the total hours worked is less than 40 hours per workweek if the employer classifies an employee as a full-time employee and the employee works less than 40 hours per workweek according to the employer's customary and regular practices. *Watkins v. Unemployment Compensation Bd. of Review*, 491 A.2d 935 (Pa. Cmwlth. 1985); *Murray, et al. v. Stuckey's Inc. and Pet Inc.*, 50 F.3d 564 (8th Cir. 1995); *Goldman v. RadioShack Corp.*, _____ F. Supp. _____, Civil Action No. 03-0032 (E.D. Pa. May 16, 2005).

Subsection (d) contains clarification that an owner is not considered as an employee under this section. An employee includes a manager, a supervisor, an officer and an individual employed by the employer. See section 3(f) and (h) of the act.

Under subsection (e), an employer is an individual, partnership, association, corporation, business trust or person or groups of persons acting directly or indirectly in the interest of an employer in relation to any employee. See section 3(g) of the act.

Section 231.103 pertains to new section 4(e) of the act, when an employer may pay a 60-day training wage to an employee under 20 years of age. This wage is based upon the Federal minimum wage of \$5.15 an hour under section 6(a) of the Fair Labor Standards Act (29 U.S.C.A. § 206(a)). A similar Federal training wage provision is in section 6(g) of the Fair Labor Standards Act (29 U.S.C.A. § 206(g)). Interpretations of this Federal law were utilized accordingly (www.dol.gov/esa, Fact Sheet #32).

Under subsection (b), an employer may pay an employee the training wage up to the day before the employee's 20th birthday. Subsequently, the employer shall increase the employee's pay to the minimum wage under section 4(a) of the act and § 231.101.

Subsection (c) contains guidance for calculating the time period. The 60-day period starts on the first day of work. The 60-day period runs consecutively as calendar days. The time period does not include days worked or business days. A break in employment does not affect the calculation of the 60-day eligibility period and does not allow the employer to restart the 60-day period. An employee under 20 years of age may be paid the training wage for up to 60 consecutive calendar days after initial employment with any employer and not just the first employer who hired the employee. An employee eligible for the training wage may be employed at the same time by more than one separate employer if the employers are separate and distinct. Under the training wage, an employee may be initially employed only once by any one employer even if there are breaks in employment.

Under subsection (d), an employer shall notify an employee at the time of hire of the training wage under this section and the right to receive the Pennsylvania minimum wage in § 231.101 after 60 calendar days if the employer utilizes this training wage. This reflects the requirement in section 4(e) of the act and section 4 of the Wage Payment and Collection Law (43 P. S. § 260.4) governing notification to employees.

Subsection (e) enumerates the limitations in section 4(e) of the act. An employer may not displace or partially displace an employee, reduce an employee's hours or reduce an employee's wages or employment benefits to allow hiring of persons eligible for the training wage under this section.

Subsection (f) prohibits an employer from utilizing the exclusions and exemptions in the act and the minimum wage regulations if the employer is paying an employee the training wage. An employer may not utilize the exclusions and exemptions in the act and the regulations for an employee when the 60-day training period has concluded or when the employee is ineligible for the training wage under this section. The employer shall pay the employee the minimum wage required under § 231.101 when the 60-day training period concludes or when the employee is ineligible for the training wage.

Subsection (g) states that the act does not require an employer to provide training to an employee as a condition of paying the training wage.

STEPHEN M. SCHMERIN,
Secretary

(Editor's Note: Title 34 of the Pa. Code is amended by adding a statement of policy in §§ 231.101—231.103 to read as set forth in Annex A.)

Fiscal Note: 12-79. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART XII. BUREAU OF LABOR STANDARDS

CHAPTER 231. MINIMUM WAGE

MINIMUM WAGE INCREASE AND TRAINING WAGE—STATEMENT OF POLICY

§ 231.101. Minimum wage increase.

(a) Under section 4(a) of the act (43 P. S. § 104(a)), an employer shall pay the following wage rates to all employees for all hours worked subject to exclusions and exemptions contained in the act and this chapter:

- (1) Until December 31, 2006, \$5.15 an hour.
- (2) Beginning January 1, 2007, \$6.25 an hour.
- (3) Beginning July 1, 2007, \$7.15 an hour.

(b) The minimum wage credit for tipped employees is \$2.83 per hour under section 3(d) of the act (43 P. S. § 333.103(d)) with all of the following conditions:

(1) An employer shall pay the difference when the employee's tips plus the credit for tipped employees does not meet the Pennsylvania minimum wage contained in subsection (a).

(2) The tip credit applies only if an employee received over \$30 in tips for a month.

§ 231.102. Small business.

(a) Under section 5(c) of the act (43 P. S. § 333.105(c)), an employer who has an employee complement comprised of the equivalent of ten or less full-time employees shall pay the following wage rates to all employees for all hours worked subject to exclusions and exemptions contained in this act and in this chapter:

- (1) Until December 31, 2006, \$5.15 an hour.
- (2) Beginning January 1, 2007, \$5.65 an hour.
- (3) Beginning July 1, 2007, \$6.65 an hour.
- (4) Beginning July 1, 2008, \$7.15 an hour.

(b) The equivalent of ten or less full-time employees is calculated on a 40-hour workweek. A workweek is a period of 7 consecutive days starting on any day selected by the employer.

(c) If the total number of hours worked by all employees in a workweek exceeds 400 hours, the employer may not utilize the minimum wage contained in subsection (a). All of the following also applies:

(1) An employer may be ineligible for the minimum wage contained in subsection (a) if the total hours worked is less than 400 hours per workweek if the employer classifies employees as full-time and the employees work less than 40 hours per week according to the employer's customary and regular practices.

(2) An employer's customary and regular practice is the employer's normal practice over time for scheduling and payment of employees.

(d) An owner is not considered an employee under this section. An employee includes all of the following:

- (1) A manager.
- (2) A supervisor.
- (3) An officer.
- (4) An individual employed by the employer.

(e) An employer is any individual, partnership, association, corporation, business trust or any person or groups of persons acting, directly or indirectly, in the interest of an employer in relation to any employee.

§ 231.103. Training wage.

(a) Under section 4(e) of the act (43 P. S. § 333.104(e)), an employer may pay a 60-day training wage to an employee under 20 years of age based upon the minimum wage of \$5.15 an hour required under section 6(a) of the Fair Labor Standards Act (29 U.S.C.A. § 206(a)).

(b) An employer may pay an employee the training wage up to the day before the employee's 20th birthday. On and after an employee's 20th birthday, the employer shall increase the employee's pay to the minimum wage required under § 231.101 (relating to minimum wage increase) even if the 60-day period has not expired.

(c) The 60-day period is calculated as follows:

- (1) The 60-day period starts on the first day of work.
- (2) The 60-day period is counted as consecutive calendar days and not as days worked or business days.

(3) A break in employment does not affect the calculation of the 60-day period of eligibility and does not allow the employer to restart the 60-day period.

(4) An employee under 20 years old may be paid the training wage for up to 60 consecutive calendar days after initial employment with any employer and not just the first employer who hired the employee.

(5) An employee eligible for the training wage may be employed at the same time by more than one employer if the employers are separate and distinct.

(6) An employee may be initially employed only once by any one employer even if there are breaks in employment.

(d) An employer shall notify an employee at the time of hire of the training wage under this section and the right to receive the Pennsylvania minimum wage contained in § 231.101 after 60 calendar days or at the employee's 20th birthday if the employer utilizes this training wage.

(e) An employer may not take any action to displace or partially displace an existing employee to allow hiring of persons eligible for the training wage under this section. This includes any of the following:

(1) Reducing an employee's hours.

(2) Reducing an employee's wages or employment benefits.

(f) An employer may not do any of the following:

(1) Utilize the exclusions and exemptions contained in the act and this chapter if the employer is paying an employee the training wage under this section.

(2) Utilize the wage payment exclusions and exemptions of the act and this chapter for an employee when the 60-day training period has concluded or when the employee is ineligible for the training wage under this section. The employer shall pay the employee the minimum wage required under § 231.101 when the 60-day training period concludes or when the employee is ineligible for the training wage.

(g) An employer is not required to provide training to an employee paid the training wage under this section.

[Pa.B. Doc. No. 06-2115. Filed for public inspection October 27, 2006, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending October 17, 2006.

BANKING INSTITUTIONS

Conversions

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 10-17-06 | Community Bank, National Association Carmichaels Greene County <i>To:</i> Community Bank Carmichaels Greene County Represents conversion from a Nationally chartered banking association to a State-chartered commercial bank. | Carmichaels | Filed |

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 10-10-06 | Orrstown Bank Shippensburg Cumberland County Purchase of assets/assumption of liabilities of one branch office of Omega Bank, State College Located at: 1110 East Simpson Street Mechanicsburg Cumberland County | Shippensburg | Effective |
| 10-16-06 | First Columbia Bank & Trust Company Bloomsburg Columbia County Purchase of assets/assumption of liabilities of two branch offices of Keystone Nazareth Bank & Trust Company, Bethlehem Located at: 17 East Main Street Bloomsburg Columbia County 2691 Columbia Boulevard Bloomsburg Columbia County | Bloomsburg | Approved |
| 10-16-06 | CommunityBanks Millersburg Dauphin County | 179 Eisenhower Drive Hanover York County | Approved |
| 10-16-06 | Keystone Nazareth Bank & Trust Company Bethlehem Northampton County | 1241 Blakeslee Boulevard Lehigh Carbon County | Approved |
| 10-16-06 | Citizens Bank of Pennsylvania Philadelphia Philadelphia County | The Shops at Garden State Park 2030 Route 70 West Cherry Hill Camden County, NJ | Approved |

Branch Relocations/Consolidations

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|---|---------------|
| 9-15-06 | S & T Bank Indiana Indiana County | <i>Into:</i> 800 Philadelphia Street Indiana Indiana County (Main Office) <i>From:</i> 501 Philadelphia Street Indiana Indiana County | Effective |
| 10-2-06 | Northwest Savings Bank Warren Warren County | <i>To:</i> 1000 Market Place Drive Edinboro Washington Township Erie County <i>From:</i> 108 Washington Towne Boulevard Edinboro Washington Township Erie County | Effective |
| 10-16-06 | 1st Summit Bank Johnstown Cambria County | <i>To:</i> 600 Main Street Johnstown Cambria County <i>From:</i> 516 Main Street Johnstown Cambria County | Approved |
| 10-17-06 | Keystone Nazareth Bank and Trust Company Bethlehem Northampton County | <i>Into:</i> Route 209 Brodheads ville Chestnuthill Township Monroe County <i>From:</i> Route 209 and Weir Lake Road Brodheads ville Chestnuthill Township Monroe County | Filed |
| 10-17-06 | Keystone Nazareth Bank and Trust Company Bethlehem Northampton County | <i>Into:</i> 1241 Blakeslee Boulevard Lehigh ton Carbon County <i>From:</i> 111 North First Street Lehigh ton Carbon County | Filed |
| 10-17-06 | Keystone Nazareth Bank and Trust Company Bethlehem Northampton County | <i>Into:</i> 5700 Hamilton Boulevard Wescosville Lower Macungie Township Lehigh County <i>From:</i> 6900 Hamilton Boulevard Trexler town Lower Macungie Township Lehigh County | Filed |

Branch Discontinuances

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 10-10-06 | Omega Bank State College Centre County | 1110 East Simpson Road Mechanicsburg Cumberland County | Effective |

Articles of Amendment

| <i>Date</i> | <i>Name of Bank</i> | <i>Purpose</i> | <i>Action</i> |
|-------------|--|---|------------------------|
| 10-13-06 | Smithfield State Bank of Smithfield, PA Smithfield Fayette County | Amendment to Article I of the Articles of Incorporation provides for a change in corporate title to Centra Bank-Smithfield. | Approved and Effective |

NOTICES

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's website at www.banking.state.pa.us included public notices for more recently filed applications.

VICTORIA A. REIDER,
Acting Secretary

[Pa.B. Doc. No. 06-2116. Filed for public inspection October 27, 2006, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Pennsylvania State Planning Board Meeting

The Pennsylvania State Planning Board has scheduled a meeting to be held on December 1, 2006, from 10 a.m. to 4 p.m. at the Rachel Carson State Office Building, Conference Room 105, 400 Market Street, Harrisburg, PA 17105.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Community and Economic Development, Governor's Center for Local Government Services at (888) 223-6837.

DENNIS YABLONKSY,
Secretary

[Pa.B. Doc. No. 06-2117. Filed for public inspection October 27, 2006, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i> |
|-----------------|-------------------------|--|
| Section I | NPDES | Renewals |
| Section II | NPDES | New or amendment |
| Section III | WQM | Industrial, sewage or animal waste; discharge into groundwater |
| Section IV | NPDES | MS4 individual permit |
| Section V | NPDES | MS4 permit waiver |
| Section VI | NPDES | Individual permit stormwater construction |
| Section VII | NPDES | NOI for coverage under NPDES general permits |

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the

Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|---|--|---|--------------------------------------|-----------------------------|
| PA0034517 (Minor Industrial Waste) | East Stroudsburg Borough P. O. Box 303 24 Analomink Street East Stroudsburg, PA 18301 | Smithfield Township Monroe County | Sambo Creek 1E | Y |
| PA0061841 | Pennsylvania American Water Company 100 Pennsylvania Avenue Wilkes-Barre, PA 18701 | Carbondale Township Lackawanna County | Racket Brook 5A CWF | Y |
| PA0029220 (Sewage) | Snydersville Diner 3209 Hamilton East Stroudsburg, PA 18360 | Hamilton Township Monroe County | Kettle Creek 1E | Y |
| PA0063487 Renewal | Northside Heights Estates 97 Sam Brooke Circle Lehighon, PA 18235-4226 | East Penn Township Carbon County | UNT to Lizard Creek 02B | Y |

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed#)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|--|--|-------------------------------------|-----------------------------|
| PA0086622 (Sew) | Newport Plaza Associates, LP 44 South Bayles Avenue Port Washington, NY 11050 | Perry County Howe Township | UNT to Juniata River 12-B | Y |
| PA0085014 (Sew) | Conestoga Township P. O. Box 98 Conestoga, PA 17516-9616 | Lancaster County Conestoga Township | Pequea Creek 7-K | Y |
| PA0081060 (Sew) | Ernest E. Kerstetter Meadowbrook Mobile Home Park 314 Erford Road Camp Hill, PA 17011 | York County Fairview Township | UNT to Yellow Breeches 7-E | Y |
| PA0088251 (Sew) | Upper Bern Township 25 North 5th Street P. O. Box 185 Shartlesville, PA 19554 | Berks County Upper Bern Township | Wolf Creek 3-C | Y |
| PA0080705 (Sew) | Fredericksburg Sewer & Water Authority P. O. Box 161 Fredericksburg, PA 17026 | Lebanon County Bethel Township | Deep Run 7-D | Y |

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed#)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|--|-------------------------------------|-----------------------------|
| PA0083909 (Sew) | Conestoga Wood Specialities Corporation 245 Reading Road East Earl, PA 17519 | Lancaster County East Earl Township | Conestoga River 7-J | Y |

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed#)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|--|--------------------------------------|-------------------------------------|-----------------------------|
| PA0035815 | Saulsburg and Dillon Bellefonte KOA Campground Bellefonte, PA 16823 | Centre County Marion Township | UNT to Nittany Run 09C | Y |
| PA0228338 Municipal | Union-Chapman Regional Authority 1510 McNess Road Port Trevorton, PA 17864 | Snyder County Union Township | Susquehanna River SWP 6A | Y |
| PA0113298 SP | Elkland Borough Authority 105 Parkhurst Streety Elkland, PA 16920 | Tioga Elkland Borough | Cowanesque River 4A | Y |
| PA0113140 Sewerage | Nicolino Galluppi 2525 Mill Road Quakertown, PA 18951 | Richmond Township Tioga County | UNT North Elk Run 4A | Y |

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|--|--|-----------------------------|
| PA0238651 | SMS Millcraft—Unimold Division 671 Colbert Avenue Oil City, PA 16301-2288 | City of Oil City Venango County | Allegheny River 16-E | Y |
| PA0029114 | Clintonville Borough Sewer & Water Authority 109 Franklin Street P. O. Box 292 Clintonville, Pa 16372 | Clintonville Borough Venango County | Unnamed Tributary to Scrubgrass Creek 16-G | Y |

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

PA0056898, Industrial Waste, SIC 2033, **To-Jo Mushrooms, Inc.**, 974 Penn Green Road, Avondale, PA 19311. This facility is located in New Garden Township, **Chester County**.

Description of Proposed Activity: This application requests approval for a renewal NPDES permit and increase in discharge flow from 0.03 to 0.049 mgd at Outfall 001, which discharges wastewater from processing of mushrooms into canned, frozen, and dehydrated products. Outfall 002 continues to discharge 0.035 mgd of water from cooling and sterilizing of cans.

The receiving stream a UNT Trout Run, is in the State Water Plan Watershed 3I and is classified for: CWF, aquatic life, water supply and recreation. No downstream public water supply intakes are identified downstream on Trout Run or East Branch White Clay Creek.

The proposed effluent limits for Outfall 001, based on a discharge flow of 0.049 mgd, are as follows:

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|----------------------------|--------------------------|-----------------------------|--------------------------|---|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum (mg/l)</i> |
| CBOD ₅ | 6.2 | 10 | 15 | 24 | 30 |
| Total Suspended Solids | 12.3 | 18.4 | 30 | 45 | 60 |
| Total Residual Chlorine | | | 0.5 | | 1.2 |
| Ammonia Nitrogen | 0.9 | | 2.2 | | 4.4 |
| Fecal Coliform | | | 200/100 ml (Geo Mean) | | 1,000/100 ml |
| Dissolved Oxygen | | | 5.0 (Inst. Min) | | |
| pH (Standard Units) | | | 6.0 (Inst. Min) | | 9.0 |
| Total Phosphorus | M/R | M/R | M/R | M/R | |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|----------------------|----------------------------|--------------------------|-----------------------------|--------------------------|---|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Total Nitrogen | M/R | M/R | M/R | M/R | |
| M/R = Monitor/Report | | | | | |

The proposed effluent limits for Outfall 002, based on a discharge flow of 0.035 mgd, are as follows:

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|----------------------------|--------------------------|-----------------------------|--------------------------|---|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum (mg/l)</i> |
| CBOD ₅ | 7.3 | 11.6 | 25 | 40 | 50 |
| Total Residual Chlorine | | | 0.5 | | 1.2 |
| Ammonia Nitrogen | 1.0 | | 3.5 | | 7.0 |
| Fecal Coliform | | | 200/100 ml (Geo Mean) | | 1,000/100 ml |
| Dissolved Oxygen | | | 5.0 (Inst. Min) | | |
| pH (Standard Units) | | | 6.0 (Inst. Min) | | 9.0 |
| Total Phosphorus | M/R | M/R | M/R | M/R | |
| Total Nitrogen | M/R | M/R | M/R | M/R | |
| M/R = Monitor/Report | | | | | |

The proposed temperature limits are as follows:

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------------------|----------------------------|--------------------------|---|--------------------------|--|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly Daily Avg °F</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum (mg/l) Inst. Max °F</i> |
| Temperature | | | | | |
| January 1 to January 31 | | | 45 | | 110 |
| February 1 to February 29 | | | 44 | | 110 |
| March 1 to March 31 | | | 53 | | 110 |
| April 1 to April 15 | | | 55 | | 110 |
| April 16 to April 30 | | | 67 | | 110 |
| May 1 to May 15 | | | 61 | | 110 |
| May 16 to May 31 | | | 61 | | 110 |
| June 1 to June 15 | | | 66 | | 110 |
| June 16 to June 30 | | | 66 | | 110 |
| July 1 to July 31 | | | 73 | | 110 |
| August 1 to August 15 | | | 72 | | 110 |
| August 16 to August 31 | | | 72 | | 110 |
| September 1 to September 15 | | | 65 | | 110 |
| September 16 to September 30 | | | 65 | | 110 |
| October 1 to October 15 | | | 55 | | 110 |
| October 16 to October 31 | | | 55 | | 110 |
| November 1 to November 15 | | | 49 | | 110 |
| November 16 to November 30 | | | 45 | | 110 |
| December 1 to December 31 | | | 46 | | 110 |

In addition to the effluent limits, the permit contains the following major other conditions:

1. Notification of Designation of Operator.
2. Effective Disinfection.
3. Remedial Measures if Unsatisfactory Effluent.
4. Thermal Requirements.
5. No Chemical Additives.
6. Change in Ownership.
7. TRC Requirements.
8. Solids Handling.
9. TMDL/WLA Data.
10. BAT/ELG Reopener.
11. 2°F Temperature Change in 1-hour.
12. Certified Operator.
13. I-Max.

PA0058289. Sewage. SIC: 4952. **Pennridge School District M. M. Seylar Elementary School Sewage Treatment Plant (STP)**, Hilltown Township, **Bucks County**. Mailing address: 1506 North 5th Street, Perkasio, PA 18944-2295. The STP is located on Callowhill Road, Hilltown Township.

Description of Activity: This application is for an existing sewage treatment facility serving the M. M. Seylar Elementary School STP, with discharge of sanitary effluent to a UNT to Pleasant Spring Creek.

The receiving waters, Pleasant Spring Creek, is in the State Water Plan Watershed 3E-Perkiomen and is classified for TSF, aquatic life, water supply and recreation. The nearest downstream public water intake/supply is Pennsylvania American Water Company and is approximately 18 miles downstream on Perkiomen Creek.

The effluent limits for Outfall 001 are based on a design flow of 5,000 gpd.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------------|------------------------|-----------------------|-----------------------------|-----------------------|-------------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Flow | | | | | |
| CBOD ₅ | | | 10.0 | | 20.0 |
| Total Suspended Solids | | | 10.0 | | 20.0 |
| Fecal Coliform | | | 200/100 ml | | Monitor and Report |
| Dissolved Oxygen | | | 5.0 | | |
| pH (Standard Unit) | | | 6.0 (Min.) | | 9.0 |
| Ammonia as N | | | 3.0 | | 6.0 |
| Phosphorus as P | | | | | |
| (4-1 to 10-31) | | | 2.0 | | 4.0 |
| Nitrite and Nitrate-N | | | 10.0 | | 20.0 |

In addition to the effluent limits, the permit contains the following major special conditions:

1. Discharge must not cause nuisance or health hazard.
2. Sludge disposal according to State and Federal regulations.

The EPA waiver is in effect.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

Application No. PA 0248720, Sewage, **Brian Nicodemus**, 6141 Cortland Road, Alum Bank, PA 15521. This facility is located in West St. Clair Township, **Bedford County**.

Description of activity: The application is for issuance of an NPDES permit for new discharge of treated sewage.

The receiving stream an intermittent stream tributary to a UNT to Dunning Creek is in Watershed 11-C and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Saxton Municipal Water Authority is located on the Raystown Branch Juniata River, approximately 78 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-----------------------------------|-------------------------------------|
| CBOD ₅ | 10 | 20 |
| Total Suspended Solids | 10 | 20 |
| Total Residual Chlorine | Monitor and Report | |
| pH | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | 200/100 ml as a geometric average | |

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327 3664.

PA0229059, Industrial Waste SIC, 2899, **Sunnyside Ethanol, LLC**, 5000 McKnight Road, Pittsburgh, PA 15237. This proposed facility is located in Curwensville Borough, **Clearfield County**.

Description of Proposed Activity: This proposed action is for issuance of an NPDES permit for a new discharge of treated industrial wastewater, stormwater, cooling tower and boiler blow down waters.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan Watershed 8B and classified for WWF. The nearest downstream public water supply intake for Reliant Energy is located on West Branch Susquehanna River is 20 miles below the point of discharge.

The proposed effluent limits for Outfall 101 based on a design flow of 0.117 mgd cooling tower and boiler blow down waters.

| Parameter | Mass Units lbs/day | | Concentration (mg/l) | | | |
|----------------|--------------------|------------------|----------------------|--------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Minimum | Average Monthly | Daily Maximum | Instantaneous Maximum |
| pH | | | 6.0 | | | 9.0 |
| Total Halogen | | | | 0.2 | | 0.5 |
| Temperature °F | | | | Report | Report | |

The proposed effluent limits for Outfall 102 based on a design flow of 0.098 mgd cooling tower blow down water.

| | | | | | | |
|----------------|--|--|-----|--------|--------|-----|
| pH | | | 6.0 | | | 9.0 |
| Total Halogen | | | | 0.2 | | 0.5 |
| Temperature °F | | | | Report | Report | |

The proposed effluent limits for Outfall 103 based on a design flow of 0.163 mgd treated industrial wastewater.

| | | | | | | |
|-------------------------|--|--|-----|-----|-----|-----|
| pH | | | 6.0 | | | 9.0 |
| TSS | | | | 30 | 60 | |
| Total Iron | | | | 2.0 | 4.0 | |
| Total Aluminum | | | | 4.0 | 8.0 | |
| Total Manganese | | | | 1.0 | 2.0 | |
| Total Residual Chlorine | | | | 0.5 | | |

The proposed effluent limits for Outfalls 002, 003 and 006 based on stormwater discharge.

| | | | | | | |
|------------------------|--|--|--|--|--------|--|
| pH | | | | | Report | |
| COD | | | | | Report | |
| CBOD ₅ | | | | | Report | |
| TSS | | | | | Report | |
| Total Recoverable | | | | | Report | |
| Petroleum Hydrocarbons | | | | | | |
| Ammonia-N | | | | | Report | |
| Total Phosphorus | | | | | Report | |

The proposed effluent limits for Outfalls 004 and 005 based on stormwater discharge.

| Parameter | Mass Units lbs/day | | Concentration (mg/l) | | | |
|------------------|--------------------|------------------|----------------------|--------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Minimum | Average Monthly | Daily Maximum | Instantaneous Maximum |
| pH | | | 6.0 | | | 9.0 |
| TSS | | | | | | 50 |
| Total Phosphorus | | | | | Report | |
| Total Iron | | | | | Report | |
| Total Aluminum | | | | | Report | |
| Total Arsenic | | | | | Report | |
| Total Zinc | | | | | Report | |

Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 (412) 442-4000.

PA0253022, Industrial Waste, SIC, 4225, **Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701. This application is for issuance of an NPDES permit to discharge treated storm water from Stoney Run Tipple in White Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, Stoney Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is EME Homer City Power Station, located on Two Lick Creek, 11.4 miles below the discharge point.

Outfall 001: new discharge, design flow of varied mgd, final limits.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|--------------------|------------------|----------------------|--------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | | | Monitor and Report | | |
| Iron (Total) | | | | Monitor and Report | |
| Aluminum (Total) | | | | Monitor and Report | |
| Total Suspended Solids | | | | Monitor and Report | |
| CBOD ₅ | | | | Monitor and Report | |
| COD | | | | Monitor and Report | |
| Oil and Grease | | | | Monitor and Report | |

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-------------------------|--|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Total Kjeldahl Nitrogen | | | | | Monitor and Report |
| Total Phosphorus | | | | | Monitor and Report |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

The EPA waiver is in effect.

Outfall 002: new discharge, design flow of varied mgd, emergency spillway.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-------------------------|--|------------------|----------------------|------------------|--------------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | | | | | Monitor and Report |
| Iron (Total) | | | | | Monitor and Report |
| Aluminum (Total) | | | | | Monitor and Report |
| Total Suspended Solids | | | | | Monitor and Report |
| Total Kjeldahl Nitrogen | | | | | Monitor and Report |
| Total Phosphorus | | | | | Monitor and Report |
| COD | | | | | Monitor and Report |
| CBOD ₅ | | | | | Monitor and Report |
| Oil and Grease | | | | | Monitor and Report |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

*These limits apply only up to 24 hours after a storm event greater than the 100-year, 24-hour storm event.

PA0026212, Sewage, **The Washington-East Washington Joint Authority**, 60 East Beau Street, P. O. Box 510, Washington, PA 15301-4514. This application is for renewal of an NPDES permit to discharge treated sewage from Washington-East Washington Sewage Treatment Plant in South Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Chartiers Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Municipal Authority located on the Ohio River.

Outfall 001: existing discharge, design flow of 6.2 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------------|--|-------------------|------------------|--------------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | | | | |
| (5-1 to 10-31) | 15 | 22.5 | | 30 |
| (11-1 to 4-30) | 25 | 37.5 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 2.0 | 3.0 | | 4.0 |
| (11-1 to 4-30) | 5.0 | 7.5 | | 10.0 |
| Total Residual Chlorine | 0.06 | | | 0.20 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Dissolved Oxygen | not less than 6.0 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is not in effect.

PA0204633, Sewage, **Michael Narquini**, 95 Browntown Road, Avella, PA 15312. This application is for renewal of an NPDES permit to discharge treated sewage from Narquini Service Station STP in Cross Creek Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as North Fork Cross Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Chester Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.0005 mgd.

| Parameter | Concentration (mg/l) | | | |
|-------------------|----------------------|-------------------|------------------|--------------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Fecal Coliform | | | | |

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|--|---------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | 1.4 | | | 3.3 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0218944, Sewage, **Franklin Fayette Sewer Authority**, P. O. Box 55, Smock, PA 15480. This application is for renewal of an NPDES permit to discharge treated sewage from Franklin Fayette Sewer Authority Wastewater Treatment Facility in Franklin Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Redstone Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Washington Township Municipal Authority.

Outfall 001: existing discharge, design flow of 0.1 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|--|---------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | 37.5 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric mean | | | |
| Total Residual Chlorine | | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PA0020141, Sewage, **Brookville Municipal Authority**, 30 Darrah Street, Brookville, PA 15825. This existing facility is located in Brookville Borough, **Jefferson County**.

Description of Proposed Activity: NPDES Renewal for an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Hawthorn Borough Water Company located on the Redbank Creek and is approximately 17 miles below point of discharge.

The receiving stream, the Redbank Creek, is in Watershed 17-C and classified for TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.25 mgd.

| <i>Parameters</i> | <i>Loadings</i> | | <i>Concentrations</i> | | |
|-------------------------|--|------------------------------------|-----------------------------------|----------------------------------|---|
| | <i>Average Monthly (lb/day)</i> | <i>Average Weekly (lb/day)</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Flow (mgd) | XX | XX | | | |
| CBOD ₅ | 260 | 417 | 25 | 40 | 50 |
| Total Suspended Solids | 313 | 469 | 30 | 45 | 60 |
| NH ₃ -N | | | | | |
| (5-1 to 10-31) | 57 | | 5.5 | | 11 |
| (11-1 to 4-30) | 167 | | 16 | | 32 |
| Fecal Coliform | | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric average | | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric average | | | | |
| Total Residual Chlorine | | | 0.2 | | 0.6 |
| pH | 6.0 to 9.0 standard units at all times | | | | |

XX—Monitor and report on monthly DMRs.

The EPA waiver is not in effect.

III. WQM Industrial Waste and Sewerage Applications Under the Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 6006401, Sewerage, **Borough of Mifflinburg**, 333 Chestnut Street, Mifflinburg, PA 17844. This proposed facility is located in Borough of Mifflinburg, **Union County**.

Description of Proposed Action/Activity: The proposed facility upgrade consists of new screening, raw wastewater pumps, equalization tank, biological treatment, filtration, disinfection and aerobic digesters. This will not alter the hydraulic or organic treatment capacity of the facility.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 3206202, Industrial Waste, **Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701. This proposed facility is located in Center Township, **Indiana County**.

Description of Proposed Action/Activity: Application for the construction and operation of a material storage and rail load out facility.

WQM Permit No. WQG026111, Sewerage, **Orrin King**, 336 Elkhorn Run Road, Monaca, PA 15061. This proposed facility is located in Chippewa Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a 2 foot forcemain sanitary sewer system.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 2506410, Sewerage, **Susan Tassone**, 10856 Eureka Road, Edinboro, PA 16412. This proposed facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

NPDES

| <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------|--|--------------------------|--|---|
| PAI010906026 | Ken Shinbach 14 East 75th Street New York, NY 10021 | Bucks | Tinicum Township | UNT Tinicum Creek EV |
| PAI011506077 | Phoenixville Area School District 1120 South Gay Street Phoenixville, PA 19460 | Chester | East Pikeland Township | NE French Creek EV SE French Creek TSF, MF |
| PAI011506078 | E. Kahn Development Corporation 55 Country Club Drive Suite 200 Downingtown, PA 19335 | Chester | East Whiteland Township | Valley Creek 9EV |
| PAI011506079 | Ray Brown 271 LP 86 Jansen Avenue Essington, PA 19029 | Chester | East Whiteland Township | Little Valley Creek EV |
| PAI015106002 | City of Philadelphia Division of Aviation Philadelphia International Airport Terminal E Philadelphia, PA 19153 | Philadelphia Delaware | City of Philadelphia Tinicum Township | Mingo Creek; Delaware River WWF |

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Lackawanna County Conservation District: 1300 Old Plank Rd., Mayfield, PA 18433, (570) 281-9495.

NPDES

| <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------|--|---------------|---------------------|--|
| PAI023506005 | Alyne Scartelli 596 Cortez Road Lake Ariel, PA 18436 | Lackawanna | Jefferson Township | Tributary to West Branch Wallenpaupack Creek HQ-CWF |

Lehigh County Conservation District: Lehigh Ag. Ctr., Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

NPDES

| Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|--------------|---|--------|--------------------------|-------------------------------|
| PAI023906028 | David Posocco Posocco Equities 2610 Walbert Ave. Allentown, PA 18104 | Lehigh | South Whitehall Township | Little Lehigh Creek HQ-CWF |

Southcentral Region: Water Management Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.

NPDES

| Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|--------------|--|------------|---------------------|--------------------------|
| PAI032806002 | Allen W. Lawver 375 Michter's Road Newmanstown, PA 17073 | Lebanon | Heidelberg Township | Cocalico Creek HQ-CWF |
| PAI033106003 | Department of Transportation Engineering District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648 | Huntingdon | Jackson Township | Shavers Creek HQ-CWF |

Northcentral Region: Water Management Program Manager; 208 West Third Street, Williamsport, PA 17701.

Potter County Conservation District: 107 Market Street, Coudersport, PA 16915 (814) 274-8411, Ext. 4.

NPDES

| Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|--------------|---|--------|--|---|
| PAI045306005 | Dominion Transmission, Inc. 445 West Main Street Clarksburg, WV 26301 | Potter | Genesee, Bingham and Harrison Townships | West Branch Genesee River Middle Branch Genesee River Genesee River Turner Creek Marsh Creek North Branch Cowanesque River CWF |
| PAI045306006 | Dominion Transmission, Inc. 445 West Main Street Clarksburg, WV 26301 | Potter | Genesee, Oswego and Sharon Townships | Orebed Creek Redwater Creek Dutton Hollow Run Butter Creek CWF |

Northwest Region: Watershed Management Program Manager; 230 Chestnut Street, Meadville, PA 16335-3481.

Lawrence Conservation District: Lawrence County Government Center; 430 Court Street, New Castle, PA 16101, (724) 652-4512.

NPDES

| Permit No. | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|--------------|---|------------------------|---|---|
| PAI063706002 | Frank Kempf Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106 | Lawrence and Beaver | Little Beaver Township New Beaver and Big Beaver Boroughs | Tributaries North Fork Little Beaver Creek Honey Creek and Tributaries Beaverdam Run and tributaries Jordan Run and Tributaries (all HQ-CWF) |

VII. List of NOIs for NPDES and/or Other General Permit Types

| | |
|--------|---|
| PAG-12 | Concentrated Animal Feeding Operations (CAFOs) |
| PAG-13 | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) |

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No.4606508, Public Water Supply

| | |
|---------------------------|---|
| Applicant | Upper Hanover Authority |
| Township | Upper Hanover |
| County | Montgomery |
| Responsible Official | William F. Kalb, Jr. |
| Type of Facility | PWS |
| Consulting Engineer | Gilmore & Associates, Inc. |
| Application Received Date | October 6, 2006 |
| Description of Action | Construction of a booster station building and appurtenances. |

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Application No. Minor Amendment, Public Water Supply.

| | |
|---------------------------|--|
| Applicant | Group Mountain Springs |
| Foster Township | Luzerne County |
| Responsible Official | Gary L. Troutman Group Mountain Springs 750 Point Township Drive Northumberland, PA 17857 |
| Type of Facility | Bulk Water Hauling System |
| Consulting Engineer | Thomas G. Pullar, P. E. EarthRes Group, Inc. P. O. Box 468 Pipersville, PA 18947 |
| Application Received Date | October 10, 2006 |
| Description of Action | Removal of 6 bulk water tanker trucks attached to PWS Permit 2406498. |

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

WA 66-733A, Water Allocations. Dallastown—Yoe Water Authority, York County. The applicant is requesting the right to increase its maximum purchase of drinking water from 0.82 mgd to 1.1 mgd from the Red Lion Municipal Authority through two existing metered interconnections. Consulting Engineer: Paul E. Gross, P. E., Buchar-Horn, Inc. Date Application Received: 10/06/2006.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any

contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

1020 Easton Road Property, Horsham Township **Montgomery County**. Craig Herr, RT Env., Svc., Inc., 215 W. Chester Road, King of Prussia, PA 19406 on behalf of Joseph Data, Golf Zone, Inc. 2944 DeKalb Pike, Easton Norriton, PA 19401 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of unleaded gasoline. The proposed future use of the property will be for mixed use. A summary of the notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on October 5, 2006.

PECO Energy Co., East Bradford Township, **Chester County**. James Arthur, Env., Standards, Inc. P. O. Box 810, Valley Forge Road, Valley Forge, PA 19482 on behalf of Lara Herzig, PECO Energy Co., 2301 Mkt. St., Philadelphia, PA 19101 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The future use of the property will remain the same.

Concordville Nissan, Concord Township, **Delaware County**. Gilbert J. Marsahll, P. G., Marshall Geoscience, Inc., 170 E. First Avenue, Collegeville, PA 19426 on behalf of Peter Lustgarten, Concordville Nissan, 452 Wilmington W. Chester Pike, Concordville, PA 19331 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of unleaded gasoline. The site will be restore to its original condition and future use of the site will remain unchanged.

Hunter Residence, East Borough Township, **Chester County**. Gilbert J. Marshall, P. G., Marshall Geoscience,

Inc., 170 E. First Avenue, Collegeville, PA 19426 on behalf of Amy and Ray Hunter, 508 Pennock Avenue, Kennett Square, PA 19348 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The site will be restored to its original conditions, and future uses of the site will remain unchanged.

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Easton Industrial Affiliates, Palmer Township, **Northampton County**. Jennifer O'Keefe, Sadat Associates, Inc., 1545 Lambert Road, Trenton, NJ 08610 has submitted a Notice of Intent to Remediate (on behalf of her client, Easton Industrial Affiliates, 215 Nassau Street, Princeton, NJ 08542) concerning the remediation of soils impacted by a release of electrical transformer oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property will remain as nonresidential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Former Farmer's Fertilizer, Elizabethtown Borough, **Lancaster County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of The R.W. Grand Lodge of Free and Accepted Masons of Pennsylvania, The Trustees of Title to the Masonic Temple and Other Real Estate of the Grand Lodge, and The Masonic Villages of the Grand Lodge of Pennsylvania, One Masonic Drive, Elizabethtown, PA 17022-2199, submitted a Notice of Intent to Remediate site soils and groundwater contaminated by metals, VOCs, SVOCs, pesticides and herbicides. The property was used for storage and sale of agricultural products for over 100 years. Future use will be as a parking lot. The applicant intends to remediate the property to the Site-Specific Standard.

Center at Rocky Meadows, Carlisle Borough, Dickinson Township, South Middleton Township, **Cumberland County**. BL Companies, 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of Equiterra Properties, 140 West Huffaker Lane, Suite 509, Reno, NV 89511-2092, submitted a Notice of Intent to Remediate groundwater contaminated with VOCs from an unknown source. The intended future use of the site is for commercial/retail development. The applicant seeks to remediate to the background standard.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application for Determination of Applicability Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGM034D002. PPL Distributed Generation, LLC., Two North Ninth St., Allentown, PA 18101.

The Department of Environmental Protection, Bureau of Land Recycling and Waste Management has received an application for a determination of applicability (DOA) under the General Permit No. WMGM034. The general permit WMGM034D002 is for the processing and beneficial use of landfill gas, generated at the Greater Lebanon Refuse Authority Landfill, as an alternate fuel for two power generators to be installed at this landfill. The electric produced will be transmitted to the local electric utility grid for consumers use. The Department determined the DOA application to be administratively complete on August 1, 2006.

Persons interested in obtaining more information about the general permit application may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472 at (717) 787- 7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application for Determination of Applicability Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR079D001.
Glenn O. Hawbaker, Inc., 711 E. College, Ave., State College, PA 16823.

The Department of Environmental Protection (Department), Bureau of Waste Management has received an application for a determination of applicability under the General Permit No. WMGR079. The general permit WMGR079D001 is for the processing and beneficial use of waste asphalt shingles as aggregate in the production of asphalt paving material and as a subbase for road and driveway construction. The Department determined the application to be administratively complete on October 13, 2006.

Persons interested in obtaining more information about the general permit application may contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472 at (717) 787- 7381. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application deemed complete Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit Application No. 300904. First Quality Tissue, LLC, 599 South Highland Street, Lock Haven, PA 17745, located in, Castanea Township, **Clinton County.** The application for permit renewal was deemed administratively complete by the Williamsport Regional Office on October 12, 2006.

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3653. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.

40-310-064: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 18823) for construction of a stone crushing plant and associated air cleaning devices at the Hazleton Aggregates Facility in Hazle Township, **Luzerne County**.

64-303-011: Hanson Aggregates PA, Inc. (1900 Sullivan Trail, Easton, PA 18040) for modification of a batch asphalt plant to utilize recycled asphalt pavement materials in the process and installation of an air cleaning device in Lake Township, **Wayne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05079D: United Corrstack, LLP (720 Laurel Street, Reading, PA 19602) for installing a 30 MW electric generator powered by a steam turbine with steam from a new 482 mmBtu/hr boiler in City of Reading, **Berks County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Thomas McGinley, New Source Review Chief, (484) 250-5920.

46-0256: Horgan Recycling, Inc. (2188 Detwiler Road, Harleysville, PA 19348) for installation of a concrete and asphalt crusher in Upper Gwynedd Township, **Montgomery County**. This facility is a State-only facility. The facility wide particulate matter emission limit will 2.7 tons per year. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.

54-308-024: Alcoa Engineered Products (53 Pottsville Street, P. O. Box 187, Cressona, PA 17929-0187) for construction of a batch aluminum scrap delacquering process that will be controlled by a thermal oxidizer and lime-injected fabric collector in Cressona Borough, **Schuylkill County**. The facility is a Title V facility. The construction will result in the annual emission of the following pollutants: 9.66 tons of NO_x, 0.06 ton of SO_x,

8.12 tons of CO, 0.52 ton of VOC, 4.52 tons of THC, as propane, 6.78 tons of PM, 33.90 tons of HCl, 0.00068 pound of lead and 0.00042 pound of dioxins/furans. The scrap delacquering system is subject to Subpart RRR of the National Emission Standards for Hazardous Air Pollutants, 40 CFR 63.1500–63.1520. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the source and control device operating within all applicable air quality requirements and will be incorporated into the Title V Operating Permit through an Administrative Amendment in accordance with 25 Pa. Code § 127.450.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05094A: Reading Alloys, Inc. (P. O. Box 53, Robeson, PA 19551-0053) for installation of a wet scrubber to control the Crushing and Sizing Operation in Building No. 5 at their facility in South Heidelberg Township, **Berks County**. The facility is a non-Title V (State-only) facility. The scrubber will be replacing a fabric collector destroyed by fire. The permit will include monitoring, work practices, recordkeeping, reporting and other requirements designed to keep the facility operating within all applicable air quality requirements.

38-05036A: Grosfillex (23 Lebanon Valley Parkway, Lebanon, PA 17042) for installation of two automated paint lines controlled by dry filters in South Lebanon Township, **Lebanon County**. Each automated line will contain a natural gas fired drying oven. This is a non-Title V (State-only) facility. The Plan Approval will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating below Title V thresholds for criteria pollutants and within all other applicable air quality requirements.

67-05001D: LWB Refractories, Co. (232 East Market Street, P. O. Box 1189, York, PA 17404) for increasing allowable hours of RTO downtime and limiting Tunnel Kilns Nos. 5 and 6 SO_x emissions in their West Manchester Township, **York County** facility. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

19-00029A: Columbia Industries, Inc. (P. O. Box 177, Berwick, PA 18603) for construction and operation of a spray booth (Source ID P102) in Berwick Borough, **Columbia County**. The facility will remain as a natural minor facility. The spray booth will utilize coatings and cleaning solvents that contain VOCs and HAPs. The total combined VOC and HAP emissions from the proposed spray booth and existing spray booth will be restricted to 2.7 tons and 1 ton in any 12-consecutive month period, respectively.

The review of the information provided by Columbia Industries' application indicates that the proposed source will comply with all air quality requirements, including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12, pertaining to air contamination sources and the emission of air contaminants. The proposed source will also comply with the applicable requirements of 40 CFR Part 60, Subpart MM (Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations) 60.390–60.398. Based on this finding, the Department of Environmental Protection

(Department) intends to issue a plan approval for the construction and operation of a spray booth. Additionally, if the Department determines that the source is operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into an operating permit via an administrative amendment under 25 Pa. Code § 127.450. The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements.

1. The spray booth is subject to 40 CFR Part 60, Subpart MM. The permittee shall comply with all applicable requirements specified in 40 CFR 60.390–60.398.

2. Under BAT in 25 Pa. Code §§ 127.1 and 127.12, no person may permit the emissions of PM from the exhaust of the spray booth into the outdoor atmosphere in a manner that the concentration in the effluent gas exceeds 0.01 grain per dry standard cubic foot. Compliance with this requirement also assures compliance with the PM emission limitation in 25 Pa. Code § 123.13.

3. Under BAT in 25 Pa. Code §§ 127.1 and 127.12, the total combined VOC emissions from the existing spray booth and the new spray booth shall not exceed 2.7 tons in any 12-consecutive month period.

4. Under BAT in 25 Pa. Code §§ 127.1 and 127.12, the total combined HAP emissions from the existing spray booth and the new spray booth shall not exceed 1 ton in any 12-consecutive month period.

5. Under 40 CFR Part 60, 60.392, the VOC content of the prime coats, guide coats and top coats, as applied in the new spray booth, shall not exceed 0.10, 0.82 and 0.86 pound per gallon of coating solids, respectively, on a monthly average.

6. The permittee shall keep records of the supporting calculations for VOC and HAP emissions from the spray booths on a monthly basis and shall verify compliance with the VOC and HAP emission limitations in any 12-consecutive month period. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

7. The permittee shall keep up-to-date records of Certified Product Data Sheets that identify the VOC content and HAP content of each VOC and/or HAP containing material used in the existing and new spray booths. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

8. The permittee shall keep records of the supporting calculations for VOC content for the coatings used in the new spray booth on a monthly basis and shall verify compliance with the VOC content restrictions for each coating type on a monthly basis. These records shall be retained for a minimum of 5 years and shall be made available to the Department upon request. Compliance with this requirement assures compliance with the recordkeeping requirements in 40 CFR 60.395.

9. The permittee shall submit reports to the Department on an annual basis that include the supporting calculations used to verify compliance with the VOC and HAP emission limitations for the existing spray booth and new spray booth in any 12-consecutive month period. The annual reports shall be submitted to the Department no later than March 1, for January 1 through December 31 of the previous year.

10. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting

calculations used to verify compliance with the VOC content restrictions for each coating type used in the new spray booth on a monthly basis. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year). Should the records from any month show that one or more of the VOC content restrictions have been exceeded, the permittee shall submit the reports to the Department no later than 30 days following the end of the month. Compliance with this requirement assures compliance with the reporting requirements in 40 CFR 60.395.

11. Under BAT in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the new spray booth unless the booth is equipped with filters that provide at least 98% capture efficiency of PM. The PM emissions from the new spray booth shall be controlled by filters.

12. Under BAT in 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use electrostatic coating technology in the new spray booth. The new spray booth is an in-house manufactured spray booth, rated at 6,000 actual cubic feet of air per minute. The spray booth is used to coat light-duty truck bodies.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

42-004C: American Refining Group, Inc. (77 North Kendall Avenue, Bradford, PA 16701) for construction of Hydrogen Hydrotreater Unit and LO-CATII Desulfurization Unit with Liquid Absorber in Bradford City, **McKean County**. The source will be subject to 40 CFR 60 Subpart J and GGG. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.
- No person may permit the emission into the outdoor atmosphere of PM in a manner that the concentration of particulate matter in the effluent gas exceeds 0.02 grain per dry standard cubic foot.
- Subject to 25 Pa. Code § 129.58(g)
- Heaters subject to 40 CFR 60.104(a)
- Heaters subject to 40 CFR 60.105(a)(4) and (e)
- Heaters subject to 40 CFR 60.106(e)

- Heaters subject to 40 CFR 60.107(e) and (f)
- Heaters subject to 40 CFR 60.108(a)
- Subject to 40 CFR 60 Subpart GGG
- The permittee shall maintain a record of all preventative maintenance inspections of the source. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed.
- The permittee shall maintain a record of the following from the operational inspections:
 - The performance of an operational inspection
 - Perform a stack test for VOC emissions
- The permittee shall perform a daily operational inspection of the source for any day the source is in operation.
- All gauges employed shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within the manufacturer's accuracy specifications.
- The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

23-00040: Laurel Pipe Line Company, LP (3398 Garnet Mine Road, Boothwyn, PA 19061-0917) for renewal of the Title V Operating Permit in Bethel Township, **Delaware County**. The initial permit was issued on 12-19-2001. The facility is a refined petroleum breakout station consisting of in-coming and out-going pipeline systems and aboveground breakout tanks. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under to 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.

39-00064: Howmet Aluminum Castings (2175 Avenue C, Bethlehem, PA 18017-2119) for a State-only (Synthetic Minor) Operating Permit for an aluminum castings facility in Bethlehem City, **Lehigh County**. The sources at the facility include aluminum casting process equipment (mixing tanks, shell room, autoclave, preheat

ovens, work benches, belt sanders, media blast cabinets, grinders, mixers), gas fired building heaters, boilers and hot water heaters. The sources have the potential to emit VOCs Title V thresholds. The permittee shall demonstrate compliance by use of a wet scrubber control device to keep VOC emissions below the Title V limit. The proposed State-only (Synthetic Minor) Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards used to ensure facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

21-03035: Hempt Brothers, Inc. (205 Creek Road, Camp Hill, PA 17011) for operation of a limestone crushing and concrete batch plant at the Locust Point Quarry in Silver Springs Township, **Cumberland County**. This is a non-Title V (State-only) facility. The State-only operating permit will contain all appropriate testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the facility's natural minor operating permit.

22-05024: Milton S. Hershey Medical Center (500 University Drive, Hershey, PA 17033) for operation of a medical services facility in Derry Township, **Dauphin County**. This is a non-Title V (State-only) facility. The State-only operating permit will contain all appropriate testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the facility's synthetic minor operating permit.

22-05052: Department of Agriculture (2300 Cameron Street, Harrisburg, PA 17110) for operation of the Farm Show Complex in the City of Harrisburg, **Dauphin County**. This is a non-Title V (State-only) facility. The Synthetic Minor operating permit will contain all appropriate testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-03037: Hard Chrome Specialists, Inc. (41 Leigh Drive, York, PA 17402) for operation of a chrome and nickel plating facility in Manchester Township, **York County**. This is a non-Title V (State-only) facility. The State Only operating permit will contain all appropriate testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the facility's natural minor operating permit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Eric Gustafson, New Source Review Chief, (814) 332-6940.

25-00971: Erie Plating, Co. (656 West 12th Street, Erie, PA 16501-1509) for re-issuance of a State-only permit in the City of Erie, **Erie County**. The facility manufactures plating and polishing products. The facility's major emission sources include boiler, space heaters,

chromic acid anodizing tank, chrome plating tanks, rotoblast, sludge dryer, solution tanks, acid-alkali tanks and plating plus rinse tanks.

25-00911: Humane Society of Northwestern Pennsylvania (2407 Zimmerly Road, Erie, PA 16509) for a Natural Minor Permit to operate a natural gas fired incinerator in Millcreek Township, **Erie County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Brawn, Chief, (215) 685-9476.

S04-022: E. I. Dupont de Nemours—Marshall Laboratory (3401 Grays Ferry Avenue, Philadelphia, PA 19146) for operation of a research and development facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include research and development sources consisting of 30 spray booths, four dust collectors, three ozone destruction units, resin production including six reactors and three kettles, seven dispersion semiworks mix tanks, one high speed dispenser two boilers, 30 air handling units, ten chillers, one firewater pump and one sand parts prep station.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

S06-009: Girard College Power Plant (2101 South College Avenue, Philadelphia, PA 19121) for operation of a school in the City of Philadelphia, **Philadelphia County**. **S00-002:** The facility's air emission sources include three 744 HP boilers that can burn Nos. 2 and 4 fuel oil or natural gas and one 300 HP boiler that can burn No. 2 fuel oil or natural gas.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the operating permit must submit the protest or comments within 30 days from the date of this notice. Protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject

| <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|----------------------------------|---------------------------|---------------------------------|----------------------------------|
| Iron (total) | 3.0 mg/l | 6.0 mg/l | 7.0 mg/l |
| Manganese (total) | 2.0 mg/l | 4.0 mg/l | 5.0 mg/l |
| Suspended solids | 35 mg/l | 70 mg/l | 90 mg/l |
| pH* | | greater than 6.0; less than 9.0 | |
| Alkalinity greater than acidity* | | | |

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.

30841601 and NPDES Permit NA. Consolidation Coal Company (1800 Washington Road, Pittsburgh, PA 15241). To renew the permit for the Robena Preparation Plant in Monongahela Township, **Greene County**. No additional discharges. Application received: August 18, 2006.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

56050108 and NPDES No. PA0249874. Hoffman Mining, Inc. (P. O. Box 130, 118 Runway Road, Friedens, PA 15541). Revision of an existing bituminous surface and auger mine to add 3 acres for extraction of coal and an additional 5 acres including support facilities for a total of 8 acres. Total SMP acres goes to 247.9. Receiving streams: Shade Creek and UNTs to/and Spruce Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Border Dam of Cambria/Somerset Authority. Application received: October 10, 2006.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

03050102 and NPDES Permit No. PA0250732. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Revision application to add 5 acres to an existing bituminous surface mine, located in Rayburn Township, **Armstrong County**, affecting 89 acres. Receiving streams: UNTs to Cowanshannock Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received: October 13, 2006.

Coal Applications Returned

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

10041003. Annandale Quarries, Inc. (219 Goff Station Road, Boyers, PA 16020). Revision to an existing

to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

bituminous strip operation to add auger mining in Venango Township, **Butler County**. Receiving stream: Seaton Creek. Application received: January 5, 2006. Revision returned: October 5, 2006.

Noncoal Applications Returned

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

20052803. Andrew M. Kosturick (8565 State Highway 285, Conneaut Lake, PA 16316). Commencement, operation and restoration of a small noncoal operation in Randolph Township, **Crawford County** affecting 6.5 acres. Receiving streams: UNT to Little Sugar Creek. Application received: May 24, 2005. Permit Returned: October 5, 2006.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E45-493. Department of Transportation, Engineering District 5-0, 1713 Lehigh Street, Allentown, PA 18103, in Chestnuthill Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain precast concrete, twin cell box culverts having spans of 15'-0" and rises of 6'-0" in Pohopoco Creek (HQ-CWF). The structures will include 8-inch high concrete fish baffles and will be depressed 1'-0" below streambed elevations to promote a natural aquatic habitat. The project is located along SR 3016 (Jonas road), approximately 0.1 mile east of Burger Hollow Road (Brodheads ville, PA Quadrangle N: 18.0 inches; W: 11.0 inches).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

E31-208: Huntingdon County Commissioners, 223 Penn Street, Huntingdon, PA 16652-1486 in Cromwell Township, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain stream stabilization measures in and along Shade Creek (TSF) for a distance of 220.0 feet downstream and 80.0 feet upstream of the St. Mary's Covered Bridge including an in-stream rock weir upstream from the St. Mary's Bridge, creating an elevated floodplain in the vicinity of the bridge, armoring 205.0 feet of the North bank with natural rock revetment (class R-8) and a rock vane 80.0 feet downstream of the bridge, (Orbisonia, Quadrangle: Latitude: 40° 12' 21" Longitude: 77° 52' 42", N: 14.6 inches, W: 0.5 inches) in Cromwell Township, Huntingdon County.

E28-337: Robert L. Johnson, 8597 Path Valley Road, Fort Loudon, PA 17224-9714 in Metal Township, **Franklin County**, ACOE Baltimore District.

To install an 8.0-inch SDR-35 drainpipe from a spring 600.0 feet to an existing culvert to alleviate any groundwater pressure, and to relocate approximately 300.0 feet of stream channel for the construction of a 90.0 foot

diameter by 10.0 foot deep agricultural waste storage facility; and to construct and maintain a 15.0-foot wide by 30.0-foot long agricultural crossing, a 15.0-foot wide by 40.0-foot long agricultural crossing, and a 15.0-foot wide by 35.0-foot long agricultural crossing; all impacts are associated with a UNT to Conococheague Creek (CWF). The project is located off of Rt. 75 South, approximately 4 miles from Fannettsburg (Fannettsburg, PA Quadrangle N: 7.21 inches; W: 15.82 inches; Latitude: 40° 2' 23"; Longitude: 77° 51' 47") in Metal Township, Franklin County.

E22-504: Washington Township, 185 Manors Road, Elizabethtown, PA 17023, In Washington Township, **Dauphin County**, ACOE Baltimore District.

To install and maintain bank stabilization devices on a 1,029-foot section of a UNT of Wiconisco Creek (CWF) including the installation of Pyromat geotextile reinforced turf on the bank slopes and some limited rip rap bank toe protection from a point east of the intersection of Oakdale Station Road and Johns Street, west to Maple Avenue (Loyalton) (Elizabethtown, PA Quadrangle, from an upstream starting point to the east, N: 12.46 inches, W: 1.62 inches; Latitude: 40° 34' 07", Longitude: 76° 45' 42", to a downstream ending point at the western end, N: 12.46 inches, W: 1.97 inches; Latitude: 40° 34' 07", Longitude: 76° 45' 51"), to replace a 52.0-foot long by 2.3-foot wide by 4.5-foot high concrete retaining wall with gabion baskets (51.0-foot long by 3.25-foot wide by 4.5-foot high-Elizabethtown, PA Quadrangle N: 12.46 inches, W: 1.62 inches; Latitude: 40° 34' 07", Longitude: 76° 45' 42"), to replace an existing 34.0-foot long, 18-inch CMP culvert with a 30.0-foot long 18-inch CMP culvert (Elizabethtown, PA Quadrangle N: 12.41 inches, W: 1.93 inches; Latitude: 40° 34' 6", Longitude: 76° 45' 50"), to replace an existing 26.0-foot long, 48-inch RCP culvert with a 25.0-foot long, 48-inch RCP culvert (Elizabethtown, PA Quadrangle N: 12.41 inches, W: 1.93 inches; Latitude: 40° 34' 6", Longitude: 76° 45' 50"), and to replace a 47.0-foot long, 15-inch CIP culvert with a 47.0-foot long, 15-inch CMP culvert (Elizabethtown, PA Quadrangle N: 12.41 inches, W: 1.62 inches; Latitude: 40° 34' 6", Longitude: 76° 45' 42") in Washington Township, **Dauphin County**.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E17-422. Sunnyside Ethanol, LLC, 5000 McKnight Road, Suite 405, Pittsburgh, PA 15237. Sunnyside Ethanol and Waste Coal Co-generation Project, Curwensville Borough, **Clearfield County**, ACOE Baltimore District (Curwensville, PA Quadrangle N: 4.7 inches; W: 3.7 inches).

To construct, operate and maintain 15 water obstruction and encroachments in association with construction and operation of an ethanol producing and waste coal fired co-generating power plant and their appurtenances. The following table lists the specific structure, structure dimensions, waterway impacted, 25 Pa. Code Chapter 93 water quality designation, latitude and longitude.

| <i>Activity Identification</i> | <i>Dimension or Area Impact</i> | <i>Waterway</i> | <i>Water Quality</i> | <i>Latitude</i> | <i>Longitude</i> |
|--|---------------------------------|------------------------------------|----------------------|-----------------|------------------|
| Wetland Fill No. 2 | 0.02 acre | West Branch Susquehanna River | WWF | 40° 58' 05.3" | 78° 30' 46.0" |
| Wetland Fill No. 3 | 0.35 acre | West Branch Susquehanna River | WWF | 40° 58' 02.9" | 78° 30' 36.5" |
| Wetland Fill No. 4 | 0.35 acre | West Branch Susquehanna River | WWF | 40° 58' 03.2" | 78° 30' 32.5" |
| Outfall No. 1 | 9 feet by 50 feet | West Branch Susquehanna River | WWF | 40° 58' 10.7" | 78° 30' 45.8" |
| Outfall No. 2 | 9 feet by 50 feet | West Branch Susquehanna River | WWF | 40° 58' 14.8" | 78° 31' 06.2" |
| Outfall No. 3 | 22.5 feet by 19.4 feet | West Branch, Susquehanna River | WWF | 40° 58' 14.6" | 78° 31' 05.5" |
| Outfall No. 4 | 19 feet by 23 feet | West Branch Susquehanna River | WWF | 40° 58' 02.9" | 78° 30' 29.1" |
| Outfall No. 5 | 12 feet by 36 feet | West Branch Susquehanna River | WWF | 40° 58' 02.0" | 78° 30' 27.6" |
| Outfall No. 6 | 16 feet by 28 feet | West Branch Susquehanna River | WWF | 40° 58' 11.4" | 78° 30' 48.6" |
| Intake No. 1 | 120 feet by 30 feet | West Branch Susquehanna River | WWF | 40° 58' 14.8" | 78° 31' 01.5" |
| Intake No. 2 | 120 feet by 30 feet | West Branch Susquehanna River | WWF | 40° 58' 05.1" | 78° 31' 31.3" |
| Realignment Stream No. 2 Segment No. 1 | 305 feet | UNT-West Branch, Susquehanna River | WWF | 40° 58' 04.7" | 78° 30' 47.7" |
| Realignment Stream No. 2 Segment No. 2 | 315 feet | UNT-West Branch, Susquehanna River | WWF | 40° 58' 09.0" | 78° 30' 48.0" |
| Realignment Stream No. 3 | 415 feet | UNT-West Branch, Susquehanna River | WWF | 40° 58' 07.3" | 78° 30' 43.4" |
| Realignment Stream No. 4 | 405 feet | UNT-West Branch, Susquehanna River | WWF | 40° 58' 04.4" | 78° 30' 37.4" |
| Fire Pond Fill | 0.71 acre | UNT-West Branch, Susquehanna River | WWF | 40° 58' 09.1" | 78° 30' 49.3" |

Construction of the listed structures will permanently impact a total of 0.67 acre of wetland and 1,527 feet of waterway. The Sunnyside Ethanol and Waste Coal Co-generation Project is located along the eastern right-of-way of SR 1001 approximately 2,300 feet north of SR 0879 and SR 1011 intersection. This permit also will authorize construction, operation, maintenance and removal of temporary construction crossings, causeways, stream diversions and cofferdams. Temporary structures shall be constructed of clean rock that is free of fines; and upon completion of construction activities, all temporary structures shall be removed, with disturbed areas being restored to original contours and elevations. The project permanently impacts 0.67 acre of wetland, for which the applicant has agreed to mitigate the impacts with 1.0 acre of onsite replacement wetlands.

E18-412. Leidy Township, Thomas Ransdorf, Supervisor, 7214 Kettle Creek Road, Renovo, PA 17764, Kettle Creek Gravel Bar Removal in Leidy Township, **Clinton County**, ACOE Baltimore District (Hammersley Fork, PA Quadrangle N: 11.0 inches; W: 3.0 inches).

To remove and stabilize a vegetated gravel bar deposit from the stream channel of Kettle Creek. The gravel bar removal is located adjacent to the bridge over Kettle

Creek on SR 0144 (Road Hollow Bridge) and just east of the Village of Hammersley Fork. The vegetated gravel bar consists of gravel, cobble and sand deposition, and has an area of approximately 150 feet by 500 feet along the westerly side of Kettle Creek. An elevated floodplain of 6 inches above the normal water level will remain. Creating the elevated flood plain should cause a temporary disturbance, while creating a minimal impact to the environment.

E41-570. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. Application for SR 0015 Section C41, Interchange and Roadway Improvement Project, in Cogan House, Jackson and Lewis Townships, **Lycoming County**, ACOE Susquehanna River Basin District (Muncy, PA Quadrangle N: 41° 27' 26"; W: 77° 07' 51").

To construct and maintain a two lane highway along SR 0015 northbound from Segment 1,650 to Segment 1,770 and SR 0015 southbound from Segment 1,591 to Segment 1,711 to include the following impacts; in Cogan House, Jackson and Lewis Townships, Lycoming County. This project proposes to have a minimal impact on Steam Valley Run, Packhorse Creek and Larry's Creek, which are both, designated a HQ-CWF. This project proposes to impact 0.60 acre of jurisdictional wetlands.

| <i>Stream Name</i> | <i>Impact Type</i> | <i>Area (acre)</i> | <i>Latitude</i> | <i>Longitude</i> |
|------------------------|--------------------|--------------------|-----------------|------------------|
| UNT Trout Run | Stream | 0.025 | 41° 24' 52" | 77° 4' 59" |
| UNT Trout Run | Wetlands | 0.021 | 41° 24' 54" | 77° 4' 60" |
| UNT Trout Run | Stream | 0.003 | 41° 24' 54" | 77° 5' 0" |
| UNT Steam Valley Run | Stream | 0.047 | 41° 25' 16" | 77° 5' 24" |
| UNT Steam Valley Run | Wetlands | 0.005 | 41° 25' 17" | 77° 5' 27" |
| UNT Steam Valley Run | Wetlands | 0.022 | 41° 25' 17" | 77° 5' 27" |
| UNT Steam Valley Run | Wetlands | 0.008 | 41° 25' 44" | 77° 6' 3" |
| UNT Steam Valley Run | Stream | 0.025 | 41° 25' 44" | 77° 6' 3" |
| UNT Steam Valley Run | Wetlands | 0.012 | 41° 25' 44" | 77° 6' 4" |
| UNT Steam Valley Run | Stream | 0.020 | 41° 25' 46" | 77° 6' 6" |
| UNT Steam Valley Run | Stream | 0.025 | 41° 25' 48" | 77° 6' 7" |
| UNT Steam Valley Run | Stream | 0.078 | 41° 25' 55" | 77° 6' 12" |
| Steam Valley Run South | Stream | 0.028 | 41° 26' 27" | 77° 6' 27" |
| UNT Steam Valley Run | Stream | 0.011 | 41° 26' 28" | 77° 6' 25" |
| UNT Steam Valley Run | Stream | 0.041 | 41° 26' 34" | 77° 6' 21" |
| UNT Steam Valley Run | Stream | 0.014 | 41° 26' 43" | 77° 6' 42" |
| UNT Steam Valley Run | Wetlands | 0.028 | 41° 26' 43" | 77° 6' 42" |
| UNT Steam Valley Run | Stream | 0.058 | 41° 26' 37" | 77° 6' 52" |
| UNT Steam Valley Run | Stream | 0.027 | 41° 26' 50" | 77° 7' 19" |
| UNT Steam Valley Run | Stream | 0.016 | 41° 26' 55" | 77° 7' 22" |
| UNT Steam Valley Run | Stream | 0.011 | 41° 26' 58" | 77° 7' 23" |
| UNT Steam Valley Run | Stream | 0.011 | 41° 26' 3" | 77° 6' 10" |
| UNT Steam Valley Run | Stream | 0.009 | 41° 27' 4" | 77° 7' 18" |
| UNT Steam Valley Run | Stream | 0.011 | 41° 27' 7" | 77° 7' 20" |
| UNT Steam Valley Run | Stream | 0.005 | 41° 27' 8" | 77° 7' 26" |
| UNT Steam Valley Run | Stream | 0.013 | 41° 27' 10" | 77° 7' 27" |
| UNT Steam Valley Run | Stream | 0.012 | 41° 27' 11" | 77° 7' 24" |
| UNT Steam Valley Run | Stream | 0.010 | 41° 27' 13" | 77° 7' 25" |
| Larry's Creek | Stream | 0.017 | 41° 27' 19" | 77° 7' 39" |
| Larry's Creek | Wetlands | 0.002 | 41° 27' 17" | 77° 7' 35" |
| Larry's Creek | Stream | 0.006 | 41° 27' 18" | 77° 7' 38" |
| Steam Valley Run | Stream | 0.004 | 41° 27' 31" | 77° 7' 57" |
| Steam Valley Run | Wetlands | 0.024 | 41° 27' 39" | 77° 7' 56" |
| Steam Valley Run | Wetlands | 0.014 | 41° 27' 39" | 77° 7' 56" |
| UNT Steam Valley Run | Stream | 0.003 | 41° 27' 44" | 77° 7' 55" |
| UNT Steam Valley Run | Stream | 0.002 | 41° 27' 50" | 77° 7' 58" |
| Steam Valley Run North | Stream | 0.094 | 41° 27' 50" | 77° 7' 54" |
| Steam Valley Run North | Wetlands | 0.034 | 41° 27' 50" | 77° 7' 55" |
| Steam Valley Run North | Wetlands | 0.015 | 41° 27' 50" | 77° 7' 55" |
| Steam Valley Run North | Wetlands | 0.019 | 41° 27' 58" | 77° 7' 57" |
| UNT Steam Valley Run | Stream | 0.027 | 41° 28' 12" | 77° 8' 3" |
| UNT Steam Valley Run | Stream | 0.012 | 41° 28' 30" | 77° 8' 7" |
| UNT Steam Valley Run | Stream | 0.016 | 41° 28' 28" | 77° 8' 7" |
| UNT Steam Valley Run | Stream | 0.007 | 41° 28' 29" | 77° 8' 8" |
| UNT Steam Valley Run | Stream | 0.017 | 41° 28' 46" | 77° 8' 16" |
| UNT Steam Valley Run | Stream | 0.047 | 41° 28' 50" | 77° 8' 19" |
| UNT Steam Valley Run | Stream | 0.007 | 41° 28' 53" | 77° 8' 20" |
| Packhorse Creek | Stream | 0.066 | 41° 28' 60" | 77° 8' 26" |
| Packhorse Creek | Wetlands | 0.412 | 41° 29' 6" | 77° 8' 31" |
| Packhorse Creek | Wetlands | 0.130 | 41° 29' 6" | 77° 8' 31" |
| Packhorse Creek | Wetlands | 0.055 | 41° 27' 10" | 77° 7' 25" |
| Steam Valley Run | Stream | 0.019 | 41° 27' 11" | 77° 7' 24" |
| Steam Valley Run | Stream | 0.027 | 41° 25' 14" | 77° 5' 20" |
| Steam Valley Run | Stream | 0.004 | 41° 25' 14" | 77° 5' 20" |
| Steam Valley Run | Stream | 0.005 | 41° 25' 14" | 77° 5' 20" |
| Steam Valley Run | Stream | 0.008 | 41° 25' 14" | 77° 5' 20" |
| Steam Valley Run | Stream | 0.009 | 41° 27' 50" | 77° 7' 54" |
| Steam Valley Run | Wetlands | 0.006 | 41° 26' 43" | 77° 6' 42" |

E53-415. Department of Transportation, Engineering District 2-0, 1924-30 Daisy Street, Clearfield, PA 16830. SR 0006 Bridge Replacement in Coudersport Borough, **Potter County**, ACOE Pittsburgh District (Coudersport, PA Quadrangle N: 4.44 inches; W: 2.54 inches).

To remove an existing two span structure and construct, operate and maintain a single span prestressed

spread box beam bridge to carry SR 006 over the Allegheny River (CWF) for improved public highway safety. The single span bridge shall be constructed with a minimum clear normal span of 56.8 feet, underclearance of 10.5 feet, and skew of 75°. Since the Allegheny River is a stock trout stream, no construction or future repair work shall be done in or along the stream channel between March 1 and June 15 without the prior written

approval of the Fish and Boat Commission. The bridge replacement project will not impact wetlands, while permanently impacting 120 feet of the Allegheny River. The project is located along the north and south right-of-way of SR 0006 approximately 750 feet east of SR 0049 and SR 0006 intersection. This permit also authorizes construction, operation, maintenance and removal of temporary cofferdams, stream diversions, causeways and pedestrian footbridges. In-stream temporary structures shall be constructed of clean rock, which is free of fines. Upon project completion, all temporary structures shall be removed with the disturbed areas restored to original contours and elevations.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E10-424. St. Kilian Parish, P. O. Box 394, 212 Hook Street, Mars, PA 16046. Church expansion project in Cranberry Township, **Butler County**, ACOE Pittsburgh District. (Mars Quadrangle N: 40° 40' 52.8"; W: 80° 04' 25.5").

The applicant proposes to construct the following activities as part of a church expansion project east of Franklin Road south of the intersection with SR 228 in Cranberry Township:

1. To install and maintain a Con/Span bridge having a waterway opening of 6.67 feet and a span of 54 feet with a length of 68 feet.
2. To install and maintain a 130 foot long box culvert having a clear span of 12 feet and an underclearance of 3 feet on a tributary to Kaufman Run.
3. To remove a road crossing with existing 18 inch and 30 inch culverts and restore approximately 30 feet of stream channel.

4. Permanent impacts to .40 acre of wetland (PEM, PSS, PFO) for construction of driveways, parking area and stormwater detention pond.

5. To restore approximately 130 feet of tributary 1 to Kaufman Run as mitigation for the proposed box culvert stream enclosure.

6. The applicant proposes a combination of on-site wetland mitigation of .26 acres and a contribution to the Wetland Replacement Fund for the remaining .27 acre, total mitigation required .53 acre.

E43-336. T-Mobile, 8550 Bryn Mawr Avenue, First Floor, Chicago, IL 60631. T-Mobile Hermitage Cellular Tower. City of Hermitage, **Mercer County**, ACOE Pittsburgh District. (Sharon East Quadrangle, N: 41°14' 03"; W: 80° 27' 08")

To install and maintain a monopole cellular tower and platform along the left floodway of a tributary to Pine Hollow Run (WWF) beginning approximately 400 feet west of SR 18 and extending downstream, in an area of 50 feet by 50 feet at a maximum depth of 1 foot.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D61-024A. Clarion University-Venango Campus Dam, 1801 W. First Street, Oil City, PA 16301. To modify, operate and maintain Clarion University-Venango Campus Dam across a tributary to the Allegheny River for the purpose of recreation. Work includes the installation of a new 8 foot by 8 foot box outlet to maintain a lower normal pool elevation and the installation of an additional section of R.C.P. culvert that will connect the box to the existing culvert. (Oil City, PA Quadrangle N: 6.55 inches; W: 14.15 inches) Oil City, **Venango County**.

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i> |
|-----------------|-------------------------|--|
| Section I | NPDES | Renewals |
| Section II | NPDES | New or amendment |
| Section III | WQM | Industrial, sewage or animal wastes; discharges to groundwater |
| Section IV | NPDES | MS4 individual permit |
| Section V | NPDES | MS4 permit waiver |
| Section VI | NPDES | Individual permit stormwater construction |
| Section VII | NPDES | NOI for coverage under NPDES general permits |

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-------------------------------|--|---|---|-----------------------------|
| PA0055174 Minor Industrial | Buckeye Pipe Line Company, LP P. O. Box 368 Emmaus, PA 18049 | Lehigh County Lower Macungie Township | UNT to Swabia Creek in Watershed 2C | Y |

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|---------------------------------|--|--|--------------------------------------|-----------------------------|
| PA0083771 (Industrial Waste) | Turkey Hill Dairy, Inc. 2601 River Road Conestoga, PA 17516-9630 | Lancaster County Manor Township | Manns Run 7-J | Y |
| PA0082759 (Sewage) | Matthew Baker Hopewell Township R. D. 1, Box 95 James Creek, PA 15567 | Huntingdon County Hopewell Township | UNT Shy Beaver Creek 11-D | Y |
| PA0088684 (Sewage) | Terry Henry Pleasant Hills Resort, Inc. Box 86 Hesston, PA 16647-0086 | Huntingdon County Penn Township | UNT Hawns Run 11-D | Y |

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|-----------------------------|
| PA0112704 Sewerage | John A. Yohey 88 Dutch Hill Road Bloomsburg, PA 17815 | Montour Township Columbia County | Montour Run 5-C | Y |

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N</i> |
|-------------------------------|--|---|--------------------------------------|---------------------------|
| PA0002593 Industrial Waste | Summerill Tube Corporation P. O. Box 302, Franklin Street Scottdale, PA 15683 | Westmoreland County Borough of Scottdale | Stauffer Run | Y |
| PA0022331 Sewage | West Elizabeth Sanitary Authority 125 Lower First Street West Elizabeth, PA 15088 | Allegheny County West Elizabeth Borough | Monongahela River | N |
| PA0033219 Sewage | J. William Dyer P. O. Box 364 Sewickley, PA 15143-0364 | Beaver County New Sewickley Township | UNT of Brush Creek | Y |
| PA0097799 Sewage | Jerry F. Smith 1001 Clubhouse Drive Donegal, PA 15628 | Westmoreland County Donegal Township | Minnow Run | Y |

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|--------------------------------------|---|-----------------------------|
| PA0037397 | Waterford Borough Municipal Authority 30 South Park Row Waterford, PA 16441 | Waterford Township Erie County | LeBoeuf Creek 16-A | Y |
| PA0036064 | Washington Township Sewer Authority 11800 Edinboro Road Edinboro, PA 16412 | Washington Township Erie County | UNT to Edinboro Lake (Whipple Creek) 16-A | Y |

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

NPDES Permit No. PA0051683, Industrial Waste, **William D. Cummings, Titanium Hearth Technologies, Inc. d/b/a Timet**, 900 Hemlock Road, Morgantown, PA 19543. This proposed facility is located in Caernarvon Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Conestoga River in Watershed 7-J.

NPDES Permit No. PA0025381, Sewage, **Steve Staudnour, Saxton Borough Municipal Authority**, P. O. Box 143, Saxton, PA 16678. This proposed facility is located in Liberty Township and Saxton Borough, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to Raystown Branch Juniata River in Watershed 11-D.

NPDES Permit No. PA0248576, CAFO, **Kreider Farms, Middletown Poultry Farm**, 1461 Lancaster Road, Manheim, PA 17545. This proposed facility is located in Lower Swatara Township, **Dauphin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 2,356-AEU poultry operation in Watershed 7-D.

NPDES Permit No. PA0248584, CAFO, **Kreider Farms, East Donegal Poultry Farm**, 1461 Lancaster Road, Manheim, PA 17545. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,521-AEU poultry operation in Watershed 7-G.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3664.

PA0208779, Industrial Waste SIC, 3111, **Clearfield Leather Inc.**, 120 Cooper Road, Curwensville PA 16833-1542. This existing facility is located in Curwensville Borough, **Clearfield County**.

Description of Proposed Activity: This proposed action is for amendment of an NPDES permit for an existing discharge of treated industrial wastewater.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan Watershed 8B and classified for WWF. The nearest downstream public water supply intake for Reliant Energy is located on West Branch Susquehanna River is 20 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.118 mgd.

| <i>Parameter</i> | <i>Mass Units lbs/day</i> | | | <i>Concentration (mg/l)</i> | | |
|------------------|----------------------------|--------------------------|----------------|-----------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
| pH | | | 6.0 | | | 9.0 |
| BOD ₅ | 64 | 139 | | 65 | 141 | 163 |
| Ammonia-N | | | | | | |
| (5-1 to 10-31) | 60 | 119 | | 45 | 90 | 114 |
| (11-1 to 4-30) | 119 | 239 | | 90 | 180 | 180 |
| TSS | 92 | 201 | | 93 | 204 | 233 |
| Total Phenols | | | | 3.3 | 5.2 | |
| Oil and Grease | | | | 15 | | 30 |
| Total Chromium | 1.4 | 3.6 | | 1.4 | 3.5 | |

PA0027375, Sewerage SIC 4952, **City of DuBois**, P. O. Box 408, 16 West Scribner Avenue, DuBois, PA 15801. This proposed action is for renewal of a NPDES permit for the discharge of treated sewage effluent. This discharge is located in Sandy Township, **Clearfield County**.

The receiving stream, Sandy Lick Creek, is located in the Redbank Watershed (17-C) and is classified for the following uses: TSF and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the downstream potable water supply considered during the evaluation is located at Hawthorne approximately 35 river miles below the discharge.

Outfall 001—The effluent limits, based on a design flow of 4.4 mgd, are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> | | |
|--|-------------------------------------|-----------------------------------|---|--|--|
| CBOD ₅ | | | | | |
| (5-1 to 10-31) | 15 | 22 | 30 | | |
| (11-1 to 4-30) | 25 | 40 | 50 | | |
| TSS | 30 | 45 | 60 | | |
| NH ₃ N | | | | | |
| (5-1 to 10-31) | 2.5 | 3.5 | 5.0 | | |
| (5-1 to 10-31) | 7.5 | 11 | 15.0 | | |
| Chlorine Res. (T) | 0.5 | | 1.6 | | |
| | | | 0.05* | | |
| WETT | 2.36 (TUC)** | | | | |
| Dissolved Oxygen | | Minimum of 5.0 mg/l at all times. | | | |
| *Dechlorinate within 2 years of permit effective date. | | | | | |
| **Limit effective within 4 years of permit effective date. | | | | | |
| Fecal Coliform | | | | | |
| (5-1 to 9-30) | 200/100 ml as a geometric average | | | | |
| (10-1 to 4-30) | 2,000/100 ml as a geometric average | | | | |
| pH | 6.0—9.0 SU at all times. | | | | |

Outfall S101—Annual stormwater inspection and BMPs.

Other Conditions:

1. Pretreatment.
2. Whole Effluent Toxicity Testing.
3. Stormwater Management Requirements.
4. Dechlorination of Effluent.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

WQM Permit No. WQG02280604, Sewerage, **Charles Goetz, Antrim Township Municipal Authority**, 10655 Antrim Church Road, P. O. Box 130, Greencastle, PA 17225. This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Approval of Construction/Operation of the Melrose Meadows Pump Station No. 25.

WQM Permit No. 2806406, Sewerage, **Ray and Rubie Wingert**, 2635 Grand Point Road, Chambersburg, PA 17201. This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Approval of Construction/Operation of a small flow individual residence spray irrigation system for denitrification consisting of a septic tank, Ecoflo filter, chlorine disinfection and sprayfield to serve Lot No. 16.

WQM Permit No. 3606405, Sewerage, **Pat Barrett, West Earl Sewer Authority**, 157 West Metzler Road, Brownstown, PA 17508. This proposed facility is located in West Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval of Construction/Operation of a 0.727 mgd pump station with dual 505 gpm submersible pumps (Church Street Pumping Station).

WQM Permit No. 2206404, Sewerage, **Susquehanna Township Authority**, 1900 Linglestown Road, Harrisburg, PA 17110. This proposed facility is located in Susquehanna Township, **Dauphin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a duplex submersible pump station and generator replacing the existing station.

WQM Permit No. 3101401, Amendment 06-1, Sewerage, **Terry Henry, Pleasant Hills Resort, Inc.**, Box 86, Hesston, PA 16647-0086. This proposed facility is located in Penn Township, **Huntingdon County**.

Description of Proposed Action/Activity: Amendment approves the operation/transfer of sewerage facilities consisting of downgrading existing 3,800 gpd treatment facility to 2,000 gpd until capacity.

WQM Permit No. 0506403, Sewerage, **Steve Staudnour, Saxton Borough Municipal Authority**, P. O. Box 173, Saxton, PA 16678. This proposed facility is located in Liberty Townships and Saxton Borough, **Bedford County**.

Description of Proposed Action/Activity: Approval for the construction of a pump station, force main and interceptor to convey flows from the Seaton Company, abandon the two existing pump stations, construction of a new influent pump station and upgrade/expansion of the existing Saxton Borough Municipal Authority's treatment plant.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. WQG016130, Sewerage, **Roy Taylor**, 148 Darr Road, Belle Vernon, PA 15012. This proposed facility is located in Rostraver Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment plant.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 2503418 Sewerage, **Amendment No. 1, Municipal Authority of the Borough of Waterford**, 30 South Park Row, P. O. Box 49, Waterford, PA 16441. This proposed facility is located in Waterford Borough, **Erie County**.

Description of Proposed Action/Activity: This project is to install a secondary clarifier and modify the primary clarifier at an existing sewage treatment facility.

WQM Permit No. 2506407 Sewerage, **Washington Township**, 11800 Edinboro Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: This project is to modify an existing facility with a relocated discharge point to a UNT to Conneauttee Creek.

WQM Permit No. WQG018490, Sewerage, **Bruce Kelly**, 4887 Elmwood Drive, Pittsburgh, PA 15227. This proposed facility is located in Deerfield Township, **Warren County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018505, Sewerage, **Leslie D. Galt**, 16704 Little Cooley Road, Townville, PA 16360. This proposed facility is located in West Mead Township, **Crawford County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

WQM Permit No. WQG018491, Sewerage, **Kathy L. and William M. Bubash**, R. D. 1, Box 185, Pittsfield, PA 16340. This proposed facility is located in Columbus Township, **Warren County**.

Description of Proposed Action/Activity: A single residence sewage treatment plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|----------------------------|-------------------------------|
| PAI024503021 | LTS Development, Inc. P. O. Box 160 Shawnee on Delaware, PA 18356 | Monroe | Middle Smithfield Township | Sand Hill Creek HQ-CWF |
| PAI023905042 | Cedar Crest Bible Fellowship Church at Allentown 1151 South Cedar Crest Blvd. Allentown, PA 18103 | Lehigh | Salisbury Township | Little Lehigh Creek HQ-CWF |
| PAI023906006 | Iron Run Beverages 5426 Route 873 Schnecksville, PA 18087 | Lehigh | Upper Macungie Township | Iron Run HQ-CWF |

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAR10F139 R | Keith Sunderman S & A Custom Built Homes Phase VII 2121 Old Gatesburg Road Suite 200 State College, PA 16801 | Centre | Ferguson Township | UNT to Big Hollow CWF |
| PAS10F079R(3) | Department of Transportation District 2-0 ERPA Kevin Kline 1924-30 Daisy Street Clearfield, PA 16830 | Centre | Worth Township | Bald Eagle Creek TSF |

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

| | |
|-------------|--|
| PAG-1 | General Permit for Discharges from Stripper Oil Well Facilities |
| PAG-2 | General Permit for Discharges of Stormwater Associated with Construction Activities (PAR) |
| PAG-3 | General Permit for Discharges of Stormwater from Industrial Activities |
| PAG-4 | General Permit for Discharges from Single Residence Sewage Treatment Plants |
| PAG-5 | General Permit for Discharges from Gasoline Contaminated Ground Water Remediation Systems |
| PAG-6 | General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application |
| PAG-8 | General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage |
| PAG-9 | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest or a Land Reclamation Site |
| PAG-9 (SSN) | Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage |
| PAG-10 | General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines |
| PAG-11 | (To Be Announced) |
| PAG-12 | CAFOs |
| PAG-13 | Stormwater Discharges from MS4 |

General Permit Type—PAG-2

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|----------------------------|---|
| New Britain Borough Bucks County | PAG2000906140 | Doylestown Investment Group, LLC 77 West Court Street New Britain, PA 18901 | Pine Rune (WWF, MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Solebury Township Bucks County | PAG2000906142 | County Cork Builders, Inc. 2188 Detwiler Road Harleysville, PA 19428 | Pidcock Creek (WWF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Richland Township Bucks County | PAG2000906090 | Reserve at Hidden Ponds, LP 1574 Easton Road Warrington, PA 18976 | Tohickon Creek (TSF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Richland Township Bucks County | PAG2000906126 | WB Homes, Inc. 404 Sumneytown Pike, Suite 200 North Wales, PA 19454 | UNT Tohickon Creek (TSF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |

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| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|---|---|
| West Whiteland Township Chester County | PAG2001506061 | Exton Development, Ltd. 120 Arrandale Boulevard Exton, PA 19341 | West Valley Creek (WWF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Easttown Township Chester County | PAG2001506085 | Leopard Road, LLC 1 Wheelock Lane Malvern, PA 19355 | UNT Darby Creek (WWF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| West Fallowfield and Highland Townships Chester County | PAG2001506036 | Octorara Area School District 228 Highland Road, Suite 1 Atglen, PA 19310-1603 | Octorara Creek (TSF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| East Bradford Township Chester County | PAG2001506065 | Diament Building Corporation P. O. Box 471 Uwchlan, PA 19480 | East Branch Brandywine Creek (WWF, MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| New Garden Township Chester County | PAG2001506004 | Charles Cardile 540 Church Road Avondale, PA 19311 | White Clay Creek (CWF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Downingtown Borough Chester County | PAG2001506042 | Downingtown Borough 410 West Lancaster Avenue Downingtown, PA 19335 | UNT Little park Run (WWF, MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Franklin Township Chester County | PAG2001506072 | Presbyterian Church P. O. Box 339 Kemblsville, PA 19347 | West Branch White Clay Creek (TSF, MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Upland Borough Delaware County | PAG2002306052 | Majolica Housing Corporation 111 Church Lane Phoenixville, PA 19460 | Chester Creek (TSF, MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Tinicum Township Delaware County | PAG2002306048 | VDT, LLC 560 Fellowship Road Suite 321/322 Mt. Laurel, NJ 18054 | Delaware River (WWF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|---|---|
| Thornbury Township Delaware County | PAG2002306043 | Glen Mills School P. O. Box 7780-1409 Philadelphia, PA 19182 | Chester Creek (TSF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Bethel Township Delaware County | PAG2002306023 | James Salladini 1509 Bethel Road Boothwyn, PA 19061 | Tributary to Spring Run (WWF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Montgomery Township Montgomery County | PAG2004606060 | Skrolling Stone Investments P. O. Box 779 Worcester, PA 19490 | Little Neshaminy Creek (WWF, MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Abington Township Montgomery County | PAG2004606148 | Yuri Volin 2281 Sunrise Way Jamison, PA 18929 | Meadow Brook (TSF, MF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| New Hanover Township Montgomery County | PAG2004606037 | Mikelen, LLC 2965 West Germantown Pike Fairview Village, PA 19409 | UNT West Branch Swamp Creek (TSF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| City of Philadelphia Philadelphia County | PAG2015106042 | SLT Realty Limited Partnership 1111 Westchester Avenue White Plains, NY 10604 | Mingo Creek (WWF) | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Wright Township Luzerne County | PAG2004006022 | Higgins Dev. Partners, LLC 80 Headquarters Plaza North Suite 1209 Morristown, NJ 07960 | Watering Run CWF | Luzerne Co. Cons. Dist. (570) 674-7991 |
| Exeter Township Luzerne County | PAG2004006003 | Ronald Piccolotto 114 Hastie Lane Exeter Township, PA 18643 | Lewis Creek CWF | Luzerne Co. Cons. Dist. (570) 674-7991 |
| South Abington Township Lackawanna County | PAG2003506032 | Terrence Burke Burfam Realty 2 Minuet Terrace Clarks Summit, PA 18411 | Summit Lake Creek TSF | Lackawanna Co. Cons. Dist. (570) 281-9495 |

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| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|--|---|
| South Abington Township City of Scranton Ransom Township Newton Township Moosic Borough Taylor Borough Pittston Township Dupont Borough Lackawanna County Luzerne County | PAG2003506026 | Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106-7676 | Mill Creek CWF Collins Creek CWF Leidy Creek CWF Spring Brook Creek CWF Covey Swamp Creek CWF St. John's Creek CWF Tributary to St. John's Creek CWF Lackawanna River WWF Lucky Run CWF Lindy Creek CWF Keyser Creek CWF Leach Creek CWF Summit Lake Creek TSF Tributary to Leggett's Creek CWF | Lackawanna Co. Cons. Dist. (570) 281-9495 |
| Delano Township Schuylkill County | PAG2005406014 | Delano Township Supervisors P. O. Box 103 Delano, PA 18220 | Pine Creek CWF Delano Creek CWF | Schuylkill Co. Cons. Dist. (570) 622-3742 |
| City of Wilkes-Barre Luzerne County | PAG2004006028 | Wyoming Valley Sanitary Authority P. O. Box 33A Wilkes-Barre, PA 18703-1333 | Susquehanna River WWF | Luzerne Co. Cons. Dist. (570) 674-7991 |
| Butler Township Luzerne County | PAG2004006034 | Makara Enterprises 10 Makara Drive Drums, PA 1822 | Black Creek CWF Stony Creek CWF | Luzerne Co. Cons. Dist. (570) 674-7991 |
| Plains Township Luzerne County | PAG2004006031 | Geisinger Wyoming Valley Medical Center 1000 East Mtn. Blvd. Wilkes-Barre, PA 18711 | Tributary to Mill Creek CWF | Luzerne Co. Cons. Dist. (570) 674-7991 |
| Montgomery Township Franklin County | PAG2002806037 | Punch Bowl Acres Gene Albert Creative Investments 10715 Downsview Pike Suite 102 Hagerstown MD 21740 | UNT to Licking Creek CWF | Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5 |
| Quincy Township Franklin County | PAG2002806025 | Mentzer Meadows Paul Gunter 9937 Mentzer Gap Road Waynesboro PA 17268 | UNT West Br of Antietam WWF | Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5 |

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|---|---|--|
| Monroe Township Cumberland County | PAG2002106031 | Dillsburg Area Authority Monroe Township Collection and Conveyance System 98 W. Church Street P. O. Box 370 Dillsburg, PA 17019 | Yellow Breeches Creek CWF | Cumberland County Conservation District 43 Brookwood Ave Carlisle, PA 17013 (717) 240-7812 |
| Colebrookdale Township Boyertown Borough Berks County | PAG2000606070 | Richard Riggs Boyertown Foundry Co. P. O. Box 443 New Berlinville, PA 19545 | UNT to Swamp Creek CWF | Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 (610) 372-4657 Ext. 201 |
| Spring Township Berks County | PAG2000606063 | Leon Mazurie Township of Spring 2800 Shillington Road Reading, PA 19608 | UNT to Cacoosing Creek WWF and Little Muddy Creek/ TSF | Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 (610) 372-4657 Ext. 201 |
| Maxatawny Township Berks County | PAG2000606077 | Jeffrey Grimm KU Director of Facilities P. O. Box 730 Kutztown, PA 19530 | Sacony Creek/ CWF | Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 (610) 372-4657 Ext. 201 |
| Maidencreek Township Berks County | PAG2000606076 | Michael Easton Lehigh Cement Company 537 Evansville Road P. O. Box 619 Blandon, PA 19510 | Maidencreek WWF | Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 (610) 372-4657 Ext. 201 |
| Exeter Township Berks County | PAG2000606078 | Norm Heilenman Berkshire Bank 1101 Woodlands Road Wyomissing, PA 19610 | Trout Run WWF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-0520 (610) 372-4657 Ext. 201 |
| Hummelstown Borough Dauphin County | PAG2002206057 | Christopher Evans Black & Veatch 601 Walnut St., Suite 550W Philadelphia, PA 19106-3307 and John Hollenbach United Water of PA 4211 East Park Circle Harrisburg, PA 17111 | Swatara Creek WWF | Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100 |

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| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|----------------------------------|---|
| Swatara Township Dauphin County | PAG2002206052 | Adam Meinstein HUB Business Park, LP 1 W First St. Suite 315 Conshohocken, PA 19428 | Beaver Creek WWF | Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100 |
| Lancaster City Lancaster County | PAG2003606086 | The Wolf Group II P. O. Box 4336 Lancaster, PA 17601 | Little Conestoga Creek WWF | Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100 |
| Lancaster City Lancaster County | PAG2003606114 | EDC Finance Of Lancaster County 100 S Queen St. Lancaster, PA 17608 | Conestoga River WWF | Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018 (717) 921-8100 |
| Caernarvon Township Berks County | PAG2000606068 | Ted Karwat Twin Valley Investments, LP 267 Huntsfield Rd. Elverson, PA 19520 | Conestoga River WWF | Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201 |
| Centre County Ferguson Township | PAG2001406018 | Scott Smith Oakshire Corporate Center 1411 N. Atherton Street State College, PA 16803 | Big Hollow CWF | Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817 |
| Columbia County Town of Bloomsburg | PAG2001906013 | Bloomsburg University Colin Reitmeyer 400 East Second Street Bloomsburg, PA 17815 | Nealy Run CWF | Columbia County Conservation District 702 Sawmill Road, Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102 |
| Lycoming County Muncy Creek Township | PAG2004106015 | Randy Hull Cloverleaf Lanes 27 Route 442 Highway Muncy, PA 17756 | Muncy Creek TSF | Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754, (570) 433-3003 |
| Montour County Derry Township | PAG2004706003 | Patrick J. Renshaw PPL Scrubber Installation Phase III Two North Ninth Street Allentown, PA 18101-1179 | Chillisquaque Creek WWF | Montour County Conservation District 112 Woodbine Lane, Suite 2 Danville, PA 17821 (570) 271-1140 |

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|--|--|---------------------------------------|--|
| Montour County Mahoning Township | PAG2004706007 | Robert Davies Geisinger Health System 100 North Academy Avenue Danville, PA 17821 | UNT to Mahoning Creek CWF | Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140 |
| Tioga County Clymer Township | PAG2005906012 | Samuel and Ruth Panella 2317 Woodland Lane Wilmington, DE 19810 | Jemison Creek CWF | Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3 |
| Beaver County North Sewickley Township | PAG2000406018 | George O. Sewall, III 329 Fourth Avenue Ellwood City, PA 16117 | Connoquenessing Creek (WWF) | Beaver County CD (724) 378-1701 |
| Beaver County City of Aliquippa | PAG2000406020 | Bridget Canedy Temple Ridge, LLC P. O. Box 7017 Pittsburgh, PA 15212 | UNT to Ohio River (WWF) | Beaver County CD (724) 378-1701 |
| Cambria County Richland Township | PAG2001106010 | Falls Run Dev. Corp., LLC 509 15th Street Windber, PA 15963 | Falls Run (WWF) | Cambria County CD (814) 472-2120 |
| Somerset County Conemaugh Township | PAG2005606010 | Greater Johnstown Water Authority 640 Franklin Street P. O. Box 1407 Johnstown, PA 15907 | UNT to Bens Creek (CWF) | Somerset County CD (814) 445-4652 |
| Washington County Peters Township | PAG2006306032 Renewal of PAR10W192 | Bower Hill Development, Inc. 300 Weyman Plaza, Suite 210 Pittsburgh, PA 15236 | Tributary to Peters Creek (WWF) | Washington County CD (724) 228-6774 |

General Permit Type—PAG-3

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|---|---|
| Berks County Windsor Township | PAR203607 | Hood and Company, LLC 600 Valley Road Hamburg, PA 19526 | UNT to Schuylkill River WWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Lancaster County Elizabethtown Township | PAR223506 | Fleetwood Homes of Pennsylvania P. O. Box 560 Elizabethtown, PA 17022-9425 | Conewago Creek TSF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Lancaster County East Hempfield Township | PAR233533 | Air Products and Chemicals, Inc. 7201 Hamilton Boulevard, A11B1 Allentown, PA 18195-1501 | UNT West Branch Little Conestoga Creek WWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| City of Williamsport Lycoming County | PAR604807 | Staiman Brothers, Inc. P. O. Box 1235 Williamsport, PA 17703-1235 | West Branch Susquehanna River (WWF) | Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664 |

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| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|-------------------------------------|--|
| Bald Eagle Township Clinton County | PAR604835 | Martin Motor Company 2512 Eagle Valley Road Mill Hall, PA 17751 | UNT to Bald Eagle Creek (CWF) | Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664 |
| Catawissa Borough Columbia County | PAR224801 | Catawissa Lumber & Specialty Company, Inc. P. O. Box 176 1 Cemetery Street Catawissa, PA 17820 | Catawissa Creek TSF | Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664 |
| Ralph Township Northumberland County | PAR224804 | Catawissa Lumber & Specialty Company, Inc. P. O. Box 176 1 Cemetery Street Catawissa, PA 17820 | UNT to Shamokin Creek CWF | Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664 |
| North Huntingdon Township Westmoreland County | PAR116131 | Extrude Hone Corporation P. O. Box 1000 Irwin, PA 15642-1000 | UNT (37273) to Tinkers Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| Center Township Indiana County | PAR206113 | Joy Mining Machinery 177 Thorn Hill Road Warrendale, PA 15086 | Two Lick Creek | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| City of Pittsburgh Allegheny County | PAR806207 | DHL Express, Inc. 1200 South Pine Island Road Plantation, FL 33324 | Monongahela River | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| North Fayette Township Allegheny County | PAR806217 | DHL Express, Inc. 1200 South Pine Island Road Plantation, FL 33324 | Montour Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|---|---|--|
| City of Corry Erie County | PAR208366 | Associated Spring—Barnes Group, Inc. 226 South Center Street Corry, PA 16407 | City of Corry Storm Sewers to Hare Creek | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| City of Erie Erie County | PAR508304 | Waste Management of Pennsylvania, Inc. 851 Robison Road East Erie, PA 16509 | Erie municipal stormwater sewers to Cascade Creek | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Wesleyville Borough Erie County | PAR708303 | Joseph McCormick Construction Company, Inc. P. O. Box 176 Erie, PA 16512-0176 | Stormwater tributaries to Presque Isle Bay | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| City of Erie Erie County | PAR208367 | Bay City Forge 1802 Cranberry Street Erie, PA 16502 | Stormwater tributaries to Cascade Creek | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| <i>General Permit Type—PAG-4</i> | | | | |
| <i>Facility Location County & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
| Washington County West Finley Township | PAG046329 | John I. Loughman 178 Maple Avenue Washington, PA 15301-2032 | UNT of Robinson Fork | Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| Cherry Township Butler County | PAG048663 | Joseph R. Belschner 4902 Lucerne Avenue Pittsburgh, PA 15214-1024 | UNT to Connoquenessing Creek 20-C | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Deerfield Township Warren County | PAG049282 | Bruce Kelly 4887 Elmwood Drive Pittsburgh, PA 15227 | Allegheny River 16-F | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Greenfield Township Erie County | PAG048393 | Richard W. and Christine M. Loosley 8951 Prindle Road North East, PA 16428 | Seven Mile Creek 15-7M | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Washington Township Erie County | PAG048707 | Frank M. and Marjorie W. Sovoc 5850 Gibson Hill Road Edinboro, PA 16412-1815 | UNT to Boles Run 16A | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |

| <i>Facility Location County & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|---|--------------------------------------|--|
| West Mead Township Crawford County | PAG049296 | Leslie D. Galt 16704 Little Cooley Road Townville, PA 16360 | UNT to Little Sugar Creek 16-D | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Columbus Township Warren County | PAG049283 | Kathy L. and William M. Bubash RD 1 Box 185 Pittsfield, PA 16340 | UNT to Brokenstraw Creek 16-B | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |

General Permit Type—PAG-8 (SSN)

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Site Name & Location</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|-------------------------------------|---|
| Cumberland County North Middleton Township | PAG083555 | North Middleton Authority 240 Clearwater Drive Carlisle, PA 17013 | Wickard Farm | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707 |
| Conemaugh Township Indiana County | PAG086106 | Redevelopment Authority of the City of Johnstown Public Safety Building 4th Floor 401 Washington Street Johnstown, PA 15901 | Steele Farm | Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000 |

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 1506506, Public Water Supply.

| | |
|----------------------------|---|
| Applicant | Maplewood Mobile Home Park 205 South Caln Road Coatesville, PA 19320 |
| Township | West Brandywine |
| County | Chester |
| Type of Facility | PWS |
| Consulting Engineer | CSC Technology, Inc. 170 Netherwood Drive Coatesville, PA 19320 |
| Permit to Construct Issued | October 6, 2006 |

Wellhead Protection Program Approval issued to **Springfield Township**, 2320 Township Road, (PWS ID 1090064) Springfield Township, **Bucks County** on October 30, 2006.

Wellhead Protection Program Approval issued to **Telford Borough Authority**, 122 Penn Avenue, (PWS ID 1460050) Telford Borough, **Montgomery County** on October 30, 2006.

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes Barre, PA 18711-0790.

Permit No. 4006503, Public Water Supply.

Applicant **PA-American Water Co.**
Dallas Township
Luzerne County

Responsible Official David R. Kaufman, P. E.
PA-AM Water Co.
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033

Type of Facility Community Water System

Permit Issuance Date August 24, 2006

Description of Action PWS construction permit for modification of the Huntsville WTP to replace the existing upflow clarifiers.

Permit No. 3390024, Public Water Supply.

Applicant **City of Allentown**
City of Allentown & Upper
Macungie Township, **Lehigh County**

Responsible Official Joseph McMahon, Operations
Manager
City of Allentown
435 Hamilton Street
Allentown, PA 18101

Type of Facility Community Water System

Permit Issuance Date September 12, 2006

Description of Action PWS operation permit as issued May 9, 2006, reissued for modified special condition regarding bromate monitoring.

Permit No. 2520096, Public Water Supply.

Applicant **PA-American Water Co.**
Lehman Township
Pike County

Responsible Official Paul A. Zielinski, Director
Environmental Compliance &
Mgmt.
PA-AM Water Co.
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Community Water System

Action Date September 19, 2006

Description of Action PWS application for transfer of Saville Rustin Water Co. returned.

Permit No. 3390073, Public Water Supply.

Applicant **Lehigh County Authority—Central Division**
North Whitehall Township
Lehigh County

Responsible Official Aurel M. Arndt, General
Manager
Lehigh County Authority

Type of Facility Community Water System

Permit Issuance Date October 13, 2006

Description of Action PWS operation permit for Fogelsville No. 1 Tank and Breinigsville No. 3 Tank following maintenance.

Emergency Permit, Public Water Supply.

Applicant **Hazleton City Authority**
Black Creek Township
Luzerne County

Responsible Official Randy J. Cahalan, Manager
400 East Arthur Gardner
Parkway
Hazleton, PA 18201

Type of Facility Community Water System

Permit Issuance Date September 7, 2006

Description of Action Permit for emergency utilization of a new well source as a backup for the single well serving the Derringer water system.

Permit Minor Amendment, Public Water Supply.

Applicant **Borough of Alburdis**
Alburdis Borough
Lehigh County

Responsible Official Steven R. Hill
260 Franklin Street
Alburdis, PA 18011-0435

Type of Facility Community Water System

Permit Issuance Date October 13, 2006

Description of Action PWS construction permit for new 200,000 gallon finished water storage tank.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. M. A.—Construction Public Water Supply.

Applicant **Port Matilda Waterworks**

Township or Borough Port Matilda Borough

County **Centre**

Responsible Official Richard Turner, President
Borough of Port Matilda
400 South High Street
Port Matilda, PA 16870

Type of Facility Public Water
Supply—Construction

Consulting Engineer Adrienne Vicari, P. E.
Herbert, Rowland & Grubic, Inc.
474 Windmere Drive, Suite 100
State College, PA 16801

Permit Issued Date October 12, 2006

Description of Action Reconstruction of Well No. 5.

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Operations Permit issued to **Fredonia Borough**, PWS ID 6430036, Fredonia Borough, **Mercer County**. Permit Number 4387502-MA2, issued October 12, 2006, for the operation of the Borough's 100,000 gallon replacement water storage tank as permitted under construction permit issued October 7, 2005.

SEWAGE FACILITIES ACT PLAN APPROVAL**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)**

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|---|---------------|
| West Providence Township | 83 East 5th Avenue Everett, PA 15537 | Bedford |

Plan Description: The approved plan provides for the construction of a small flow treatment facility with discharge to a dry swale leading to a UNT to Clear Creek to correct a malfunctioning on lot sewage system. The proposed development is located on SR 26 just before Shuman Road. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the owner.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| Greenfield Township | R. R. 1, Box 948 Claysburg PA 16625 | Blair |

Plan Description: The approved plan provides for construction of a Small Flow Treatment Facility for the Jody Bradley property. The proposed sewage flows are 500 gallons per day with a discharge to an unnamed intermittent tributary of Smoky Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|---|---------------|
| Penn Township | 157 East Airport Road Butler, PA 16002 | Butler |

Plan Description: The approved plan provides for the use of holding tanks in the Township through the implementation of a holding tank ordinance adopted as a revision to Penn Township's Official Sewage Plan.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL**Plan Disapprovals Granted Under section 5 of the Pennsylvania Sewage Facilities Act, (35 P. S. § 750.5)**

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110 (717) 705-4707.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|---|---------------|
| Shrewsbury Township | 121341 Susquehanna Trail South Glen Rock, PA 17327 | York County |

Plan Description: Paul Blakemore Farm, A3-67955-214-2: The plan consists of a three lot single-family residential subdivision on 95.533 acres with total proposed sewage flows of 800 gpd to be treated by individual onlot disposal systems. The subdivision will be served with individual water supplies. The proposed development is located on the northwest and southeast sides of Valley Road and west side of Hametown Road in Shrewsbury Township, York County. The plan was disapproved because the hydrogeologic study contained in the planning information revealed by the Department and required by 25 Pa. Code § 71.62(c), contained information that the groundwater will be excessively polluted on a portion of the property and that the onsite sewage systems proposed for this subdivision will excessively pollute the waters of this Commonwealth in violation of The Clean Streams Law. The condition is considered a nuisance and is prohibited. Specifically, the groundwater easement in the proposal does not lay down-gradient of the primary or replacement onlot sewage disposal systems and will not intersect the dispersion plumes.

**HAZARDOUS SITES CLEAN-UP
UNDER THE ACT OF
OCTOBER 18, 1988****Proposed Consent Order and Agreement
American Fuel Harvesters Site, East Bangor
Borough, Northampton**

Under section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. § 6020), notice is hereby provided that the Department of Environmental Protection (Department) has entered into a Consent Order and Agreement (Agreement) with Nicholas G. Mazzocchi, Grace Mazzocchi, Mazzocchi Wrecking, Inc., Maztec Environmental, Inc., A. G. Mazzocchi, Inc. and Nicholas Mazzocchi Leasing (Settlers) concerning the response costs incurred by the Department for the cleanup of the American Fuel Harvesters Site (Site).

The Site was a solid waste processing facility that operated from November 1988 to September 1997. The Site consisted of several piles of processed and unprocessed construction/demolition waste located within an abandoned slate quarry. Located to the south of the Site is the East Bangor Dam and Lakewood Drive. East and north of the Site is all residential land with private wells as the primary source of drinking water. Downtown East Bangor is located 1/2 mile south of the Site.

Investigations revealed airborne phenol leaving the Site boundaries; hence the potential of exposure to phenol through inhalation existed for local residents. Also detected in onsite air samples were benzene, toluene and xylene. These substances were being released into the air by subsurface fires, which on several occasions were out of control and increased the potential for inhalation by the surrounding population. Lead was also detected at the Site and the potential existed for lead to leach from the waste piles to the groundwater. Lead could also have been transported from the Site through air emissions during a fire and potentially impact local residents. With the abandonment of the Site during the Fall of 1997, the Department conducted a prompt interim response action from September 1998 to June 1999, which involved

excavating and extinguishing the burning material, placing the waste material with fire breaks in the onsite quarry and grading, capping and vegetating the area to mitigate the threat to human health and the environment posed by the hazardous substances at the Site.

The partial settlement proposed in the Agreement referenced previously would resolve certain potential claims of the Department solely against the Settlers for reimbursement of response costs incurred by the Department in addressing the release or threat of release of hazardous substances at the Site. The claims originated under the authority of the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101—6020.1305). The proposed settlement would require the Settlers to pay the Department \$125,000 within 30 days of the effective date of the Agreement.

The specific terms of this settlement are set forth in the Agreement between the Department and the Settlers, which is available for public review and comment. The Department will receive and consider comments relating to the Agreement for 60 days from the date of this public notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations which indicate that the Agreement is inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with the Settlers shall be effective upon the date that the Department notifies the Settlers, in writing, that this Agreement is final and effective in its present form and that the Department has filed a response to significant written comments to the Agreement or that no such comments were received.

Copies of the Agreement are available for inspection at the Department's Northeast Regional Office. Comments may be submitted, in writing, to Karen Unruh, Department of Environmental Protection, Hazardous Sites Cleanup, 2 Public Square, Wilkes-Barre, PA 18711. Further information may be obtained by contacting Karen Unruh at (570) 826-2511. TDD users may contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and re-

ports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

1020 Easton Road Property, Horsham Township, **Montgomery County**. Craig Herr, RT Env. Svc., Inc., 215 W. Chester Road, King of Prussia, PA 19406 on behalf of Joseph Data, Golf Zone, Inc., 2944 DeKalb Pike, Easton Norriton, PA 19401 has submitted a Final Report concerning remediation of site groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Background Health Standards.

Green Street Mews, Downingtown Borough, **Chester County**. Douglas Schott, P.G., Walter B. Satterthwaite Assoc., Inc., 720 Old Fern Hill Rd., W. Chester, PA 19380 on behalf of Charles Stauffer, Alimar Builders, 931 Grandview Dr. Exton, PA 19340 has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil contaminated with lead and other organics. The report is intended to document remediation of the site to meet the Site Specific Standards.

Northeast Regional Field Office, Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

Ahmed Residence, East Stroudsburg Borough, **Monroe County**. Thomas S. Dalton, P.G., EMS Environmental, Inc., 4550 Bath Pike, Bethlehem, PA 18017 has submitted a combined Remedial Investigation and Risk Assessment Report (on behalf of his client, Ahmed Ahmed, 104 Prospect Street, East Stroudsburg, PA 18301) concerning the remediation of soils and/or groundwater found or suspected to have been impacted by the release of No. 2 fuel oil and unleaded gasoline. The combined report was submitted in partial fulfillment of the Site-Specific Standard.

2 Edie Lane/Szabo Property (former Lorenzo Residence), Palmer Township, **Northampton County**. Claude Vendever, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of his client, Maria Szabo, 1514 Sculac Drive, Bethlehem, PA 18020) concerning the remediation of site soils impacted with home heating oil. The Final Report was submitted to demonstrate attainment of the residential Statewide Health Standard.

Valley Iron and Steel, City of Allentown, **Lehigh County**. Vincent Carbone, P. G., HDR Engineering, Inc., 609 Hamilton Mall, Allentown, PA 18101-2111, has submitted a combined Remedial Investigation Report and Cleanup Plan (on behalf of his client, Abraham Atiyeh, Mack Residence LLC and Mack Project LLC, 1177 6th Street, Whitehall, PA 18052-5212) concerning the characterization and remediation of soils and groundwater found or suspected to have been impacted by inorganics (lead), PCBs, volatiles and semi-volatile constituents. The combined report was submitted in partial fulfillment of the Site-Specific Standard.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Clifford N. Estep Residence, West Manchester, **York County**. Liberty Environmental, Inc., 10 North Fifth Street, Suite 800, Reading, PA 19601, on behalf of Clifford N. Estep, 2695 Baker Road, York, PA 17404 and American Furniture Rental, 490 West Basin Road, New Castle, DE, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to the residential Statewide Health Standard and was submitted within 90 days of the release.

Michael Gebhart Property, Butler Township, **Adams County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Michael Gebhart, 131 Cavalry Field Road, Gettysburg, PA 17325 and Eichelbergers Inc., 107 Texaco Road, Mechanicsburg, PA 17050, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The report is intended to document remediation of the site to the Statewide Health Standard and was submitted within 90 days of the release.

Former ACCO Site, York City, **York County**. BL Companies, One Market Square, 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of Eastco Enterprises, Inc., 454 East Princess Street, York, PA 17403, submitted a Remedial Investigation Report and Final Report concerning remediation of site soils and groundwater contaminated with metals and VOCs. The reports are intended to document remediation of the site to the statewide health and Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate

that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of reuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

PECO Conshohocken MGP, Conshohocken Borough, **Montgomery County**. Keith Kowalski, URS Corp., 335 Commerce Dr., Suite 300, Ft. Washington, PA 19034 on behalf of Scott Backer, O'Neil Prop., Group, 700 S. Henderson Rd., Suite 101, King of Prussia, 19406 has submitted a Final Report concerning the remediation of site groundwater contaminated with other organics. The Final Report demonstrated attainment of the Statewide Health Standard and Site-Specific Standards and was approved by the Department on October 3, 2006.

Chatham Park Elementary School, Haverford Township, **Delaware County**. Mark T. Smith, P. G. Spotts, Stevens & McCoy, Inc., 1047 N. Park Rd., P. O. Box 6307, Reading, PA 19610 on behalf of Rick Henny, Haverford Township, School Dist., 2537 Haverford Rd., Ardmore, PA 19003 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department on September 28, 2006.

1020 Easton Road, Horsham Township, **Montgomery County**. Craig Herr, RT Env., Svc, Inc., 215 W. Church Road, King of Prussia, PA 19406 on behalf of Joseph Data, Golf Zone, Inc., 2944 Dekalb Pike, Easton Norriton, PA 19401 has submitted a Final Report concerning the remediation of site groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Background Health Standards and was approved by the Department on October 13, 2006.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Former Exxon Station 2-0312, City of Altoona, **Blair County**. Groundwater and Environmental Services, Inc., 410 Eagleview Boulevard, Suite 110, Exton, PA 19341, on behalf of Frank Rabits, Rabits Auto Repair, 908 East Plank Road, Altoona, PA 16602 and Exxon Mobil Corporation, 7715 Crittenden Street, No. 309, Philadelphia, PA 19118-4421, submitted a remedial investigation report, risk assessment report, cleanup plan and Final Report concerning remediation of site soils and groundwater contaminated with BTEX, cumene, naphthalene, and methyl tert-butyl ether. The combined reports demonstrated attainment of a combination of residential Statewide Health and Site-Specific Standards, and were approved by the Department on October 10, 2006.

Spanglers Flour Mill, Mount Joy Borough, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543 on behalf of Spanglers Flour Mill, 19 North Market Street, Mount Joy, PA 17552, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the residential Statewide Health Standard, and was approved by the Department on October 12, 2006.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

GP1-22-03070: Harrisburg School District (2101 North Front Street, Harrisburg, PA 17110-8200) on October 6, 2006, for a Small Gas and No. 2 Oil Fired Combustion Units under GP1 in the City of Harrisburg, **Dauphin County**.

GP3-38-03050A: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on October 12, 2006, for Portable Nonmetallic Mineral Processing Plants under GP3 in North Annville Township, **Lebanon County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.

15-0010B: ISG Plate LLC (50 South First Avenue, Coatesville, PA 19320) on October 11, 2006, to operate a new fabric collector in City of Coatesville, **Chester County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Mark Wejkszner, New Source Review Chief, (570) 826-2531.

39-318-115: Apollo Metals, Ltd. (1001 14th Avenue, Bethlehem, PA 18018) on October 11, 2006, to install an air cleaning device to capture emissions from the existing

chromium electroplating operation at their facility in Bethlehem, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

22-05046C: Haines & Kibblehouse, Inc. (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474-0196) on October 16, 2006, to use on-specification waste derived liquid fuel as an alternate fuel source for the asphalt plant dryer, Handwerk Materials plant, Lower Swatara Township, **Dauphin County**.

36-05082C: Clark Filter, Inc. (3649 Hempland Road, Lancaster, PA 17601-1323) on October 11, 2006, to install a catalytic oxidizer to control emissions of HAPs from the facility's paper coating line in the City of Lancaster, **Lancaster County**.

36-05094A: Keystone Wood Specialties, Inc. (P. O. Box 10127, Lancaster, PA 17605-0127) on October 11, 2006, to construct a wood furniture coating booth for wood cabinet finishing operations, at East Lampeter Township, **Lancaster County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.

14-303-008: EBY Paving and Construction, Inc. (1001 East College Avenue, Bellefonte, PA 16823) on August 18, 2006, to issue a plan approval to construct and operate an oil-fired rotary drum mixer burner at their facility in Spring Township, **Centre County**.

14-00002H: Graymont—PA, Inc. (965 East College Avenue, Pleasant Gap, PA, 16823) on September 15, 2006, to install a semi-wet scrubber to control SOx emissions from kiln No. 7 and to construct a waste heat boiler to generate up to 6 MW of electricity and/or a spray tower to reduce the exhaust gas temperature from kiln No. 7 at the Pleasant Gap Lime Manufacturing plant in Spring Township, **Centre County**. Plan Approval 14-00002H is subject to the Best Available Technology requirements of 25 Pa. Code §§ 127.1—127.12.

08-00003D: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) on October 4, 2006, to install a cyclonic separator on the Line I Press at the Towanda plant in Wysox Township, **Bradford County, PA**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Thomas McGinley, New Source Review Chief, (484) 250-5920.

15-0078D: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) on October 6, 2006, to operate an electric generator in East Whiteland Township, **Chester County**.

23-0014F: Kimberly-Clark Corporation (Front Street and Avenue of the States, Chester, PA 19103) on October 6, 2006, to operate a ventilation system in City Of Chester, **Delaware County**.

46-0025C: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on October 6, 2006, to operate a waste incinerator in Upper Merion Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

21-05049A: Pennsy Supply, Inc. (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17104-3331) on September 11, 2006, to install an oil-fired hot mix asphalt plant controlled by a fabric filter in Penn Township, **Cumberland County**. This plan approval was extended.

28-05040A: Industrial Power Generating Co., LLC (2250 Dabney Road, Richmond, VA 23230) on September 29, 2006, to increase use of landfill gas for up to 96% of heat input at their existing electric generating facility in Peters Township, **Franklin County**. This plan approval was extended.

67-05004I: P. H. Glatfelter (228 South Main Street, Spring Grove, PA 17362) on October 8, 2006, to install a fluidized bed scrubber on the Fluo-Solids Calciner in Spring Grove Borough, **York County**. This plan approval was extended.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.

08-00012A: Cargill Meat Solutions Corp. (P. O. Box 188, Wyalusing, PA 18853) on October 11, 2006, to operate a 41.84 million Btu per hour natural gas, No. 2 fuel oil, tallow and biogas-fired boiler and a biogas flare on a temporary basis until February 8, 2007, in Wyalusing Township, **Bradford County**. The plan approval has been extended.

41-00062A: Wheeland Lumber Co. (3558 Williamson Trail, Liberty, PA 16930-9065) on September 26, 2006, to construct and operate a wood-fired boiler and to install two multi-clones to control the particulate matter emissions from the boiler in Jackson Township, **Lycoming County**, until January 24, 2007. The plan approval has been extended.

14-00029A: Con-Stone, Inc. (P. O. Box 28, Bellefonte, PA 16823), on October 5, 2006, to construct and operate two screens, six belt conveyors, two radial stacking conveyors, a feeder, a bin, an aggregate conditioner and a fine material screw in their existing limestone crushing and screening plant in Haines Township, **Centre County**, until February 2, 2007. The plan approval has been extended.

49-00007C: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821-0600) on September 29, 2006, to incorporate into the plan approval the use of existing bulk storage tank TA-111, existing process tank TA-1520 and existing alternative NEP dryers PF-1648 and PF-1649 at the Cherokee Plant in Riverside Borough, **Northumberland County**.

08-00003A: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda PA 18848) on October 4, 2006, to operate the trim surface coating operation and air cleaning devices (two cyclonic separators and two fabric collectors) identified in the respective plan approval on a temporary basis in Wysox Township, **Bradford County**, until January 26, 2007. Also, to incorporate into the plan approval a reduction in the USEPA Method 9 measurements, from the fabric collectors' stack, from twice each week to monthly based on records showing no visible emissions from the stack since the start of operation in August 2004.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.

04-00033B: Nova Chemicals (400 Frankfort Road, Monaca, PA 15061) on October 12, 2006, to allow the applicant time to complete construction at the Beaver Valley Facility in Potter Township, **Beaver County**. This plan approval was extended.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Department of Public Health, Air Management Services, 321 University Avenue, Philadelphia, PA 19104; Thomas Huynh, Chief, (215) 685-9476.

V06-007: Trigen—Philadelphia Energy Corp.—Schuylkill Station (2600 Christian Street, Philadelphia, PA 19146) on October 11, 2006, to operate a steam and electric generating facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 795 mmBtu/hr No. 6 fuel oil-fired (No. 2 fuel oil ignition) boilers and a 761 mmBtu/hr natural gas or No. 6 fuel oil-fired boiler.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Ronald Davis, New Source Review Chief, (717) 705-4702.

06-05077: Can Corporation of America, Inc. (P. O. Box 170, Blandon, PA 19510-0170) on October 10, 2006, to operate a three-piece metal can manufacturing facility in Maiden Creek Township, **Berks County**. This action is a renewal of the State-only operating permit.

36-05123: Corixa Corp. (206 North Biddle Street, Marietta, PA 17547-0304) on October 11, 2006, to operate a pharmaceutical manufacturing facility in East Donegal Township, **Lancaster County**. This operating permit was administratively amended to change the permit contact information and several spelling errors in Source Group SG01. This is revision No. 2.

67-03041: County Line Quarry, Inc. (S. Front Street, Wrightsville, PA 17368) on October 12, 2006, to operate a Quartzite crushing facility in Hellam Township, **York County**. This operating permit was administratively amended to incorporate Plan Approval 67-03041D. This is revision No. 2.

67-03071: PA State Pet Memorial at Golden Lake (210 Andersontown Road, Mechanicsburg, PA 17055-6023) on October 12, 2006, to operate their animal crematories in Monaghan Township, **York County**. This operating permit was administratively amended due to a change of ownership. This is revision No. 1.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

56-00163: Brothersvalley Coal Sales, Inc. (3070 Stoystown Road, Stoystown, PA 15563-8164) on October 10, 2006, for a State-only operating permit to operate the Berlin Coal Preparation Plant in Brothersvalley Township, **Somerset County**.

56-00259: G. M. Honkus and Sons, Inc. (2030 Seanor Road., Windber, PA 15963) on October 10, 2006 for a State- only operating permit for a propane-fired wire insulation removal furnace at their facility in Paint Township, **Somerset County**.

04-00112: Damascus Steel Casting Co. (P. O. Box 257) on October 6, 2006, to operate the foundry in New Brighton Borough, **Beaver County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

46-00005: Merck and Co. (770 Sumneytown Pike, West Point, PA 19486-0004) on October 11, 2006, to incorporate two plan approvals (PA-46-0005M for a 249 mmBtu/hr boiler and a natural gas fired turbine with a waste heat boiler and PA-46-0005Y for an ability to bypass the control devices when the facility is manufacturing low VOC-containing product) in Upper Gwynedd Township, **Montgomery County**. Administrative Amendment and modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; David Aldenderfer, Program Manager, (570) 327-3637.

49-00007: Merck and Co., Inc. (P. O. Box 600, Danville, PA 17821), on September 29, 2006, to amend certain conditions of the wastewater treatment plant and the antibiotic campaign operations to reflect consistency between the operating permit and the submitted Notification of Compliance Status Reports required by the Pharmaceutical MACT Rule (40 CFR Part 63, Subpart GGG) in Riverside Borough, **Northumberland County**. The modified Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Edward Braun, Chief, (215) 685-9476.

V04-005: Cardone Industries of Philadelphia County (5501 Whitaker Avenue, Philadelphia, PA 19124) on October 16, 2006, to incorporate several construction permits, update the facility equipment list and change the Responsible Official. The Title V Operating Permit was originally issued April 11, 2005.

De minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Mark Wayner, Facilities Permitting Chief, (412) 442-4174.

30-00087: Emerald Coal Resources, LP (P. O. Box 1020, Waynesburg, PA 15370) on October 12, 2006, de minimis emission increase of 0.5 tons PM10 per year resulting from the installation of a new crusher at the Emerald Mine Prep Plant located in Franklin Township, **Greene County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

11960102 and NPDES No. PA0213322. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650). Permit renewal for reclamation only of a bituminous surface mine in Adams Township and South Fork Borough, **Cambria County**, affecting 225.1 acres. Receiving stream: South Fork Branch Little Conemaugh River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 7, 2006. Permit issued: October 10, 2006.

32050107 and NPDES No. PA0249858. Amerikohl Mining, Inc. (P. O. Box 260, Stahlstown, PA 15687). Commencement, operation, and restoration of a bituminous coal and sandstone surface mine in Center Township, **Indiana County**, affecting 128.3 acres. Receiving streams: UNTs to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 12, 2005. Permit issued: October 11, 2006.

Greensburg District Mining Office: Armbrust Professional Center; 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

03960106 and NPDES Permit No. PA02016983. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Renewal permit for reclamation only to an existing bituminous surface mine, located in Wayne Township, **Armstrong County**, affecting 33 acres. Receiving streams: UNTs to Camp Run and Scrubgrass Creek. Renewal application received: September 18, 2006. Renewal permit issued: October 11, 2006.

65060104 and NPDES Permit No. PA0205945. Sosko Coal Company, Inc. (RR 3, Box 330, Mt. Pleasant, PA 15666). Commencement, operation and reclamation of a bituminous surface mine, located in East Huntingdon Township, **Westmoreland County**, affecting 31.7 acres. Receiving stream: UNT to Stauffer Run. Application received: July 3, 2006. Permit issued: October 12, 2006.

03060101 and NPDES Permit No. PA0250848. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation, and reclamation of a bitumi-

nous surface mine, located in South Buffalo Township, **Armstrong County**, affecting 175.9 acres. Receiving streams: Nicholson Run and UNTs to Allegheny River. Application received: January 3, 2006. Permit issued: October 13, 2006.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

13743002R4. Pagnotti Enterprises, Inc. (46 Public Square, Suite 600, Wilkes-Barre, PA 18701). Renewal of an existing anthracite surface mine operation in Banks and Hazle Township, **Carbon and Luzerne Counties** affecting 964.0 acres; receiving stream: none. Application received: November 18, 2006. Renewal issued: October 11, 2006.

54920101R2. N & L coal Company (R. R. 2, Box 24A, Shamokin, PA 17872). Renewal of an existing anthracite surface mine operation in West Mahanoy Township, **Schuylkill County** affecting 459.0 acres; receiving stream: none. Application received: March 17, 2006. Renewal issued: October 11, 2006.

54900102R3 and NPDES Permit No. PA0223336. Meadowbrook Coal Co., Inc. (6690 State Route 209, Lykens, PA 17048). Renewal of an existing anthracite surface mine operation in Frailey Township, **Schuylkill County** affecting 56.1 acres; receiving stream: Good Spring Creek. Application received: June 2, 2006. Renewal issued: October 11, 2006.

54851342C2. Little Buck Coal Company (57 Lincoln Road, Pine Grove, PA 17963). correction to an existing anthracite underground mine operation to add a slope and airway in Tremont Township, **Schuylkill County** affecting 5.0 acres; receiving stream: none. Application received: April 18, 2006. Correction issued: October 11, 2006.

22851602R4. Meadowbrook Coal Co., Inc. (6690 State Route 209, Lykens, PA 17048). Renewal of an existing anthracite coal preparation plant operation in Wiconisco Township, **Dauphin County** affecting 23.4 acre; receiving stream: none. Application received: January 27, 2006. Renewal issued: October 12, 2006.

40823205R4. HUD, Inc. t/a Emerald Anthracite, II (P. O. Box 27, Nanticoke, PA 18634). Renewal of an existing anthracite coal refuse reprocessing operation in Hanover Township **Luzerne County** affecting 239.2 acres; receiving stream: none. Application received: March 2, 2006. Renewal issued: October 12, 2006.

54850201R4. Ginther Coal Company (P. O. Box 989, Pottsville, PA 17901). Renewal of an existing anthracite coal refuse reprocessing operation in Blythe Township, **Schuylkill County** affecting 31.1 acres; receiving stream: none. Application received: January 3, 2005. Renewal issued: October 13, 2006.

Government Financed Construction Contract

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

Hilltop Coal Company, GFCC No. 17-05-02, Bigler Township, Clearfield County (Alexander Run—Upper West Branch Watershed): A Government-Financed Construction Contract (GFCC) has been awarded to Hilltop Coal Company that will result in the reclamation of over 2.5 acres of abandoned mine land in Bigler Township, **Clearfield County**. The site has small highwalls, pit impoundments and spoil piles that will be reclaimed and regraded to approximate original contour. An abandoned deep mine will also be daylighted and

reclaimed. As a Best Management Practice alkaline addition in the form of baghouse lime will be added to the pit floor at a rate of 50 tons/acre. The value of this reclamation is estimated at \$19,200. (Contact: John Varner; (814) 342-8200, Moshannon)

Noncoal Permits Actions

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

42060806. William K. Robinson (P. O. Box 76, Roulette, PA 16746). Commencement, operation and restoration of a small noncoal bluestone operation in Liberty Township, **McKean County** affecting 5.0 acres. Receiving streams: Two Mile Creek. Application received: August 8, 2006. Permit Issued: October 10, 2006.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

08980808. Dale E. Vanderpool (R. R. 2, Box 103A, Wyalusing, PA 18853). *REVISION* to an existing Small Industrial Minerals (Shale) permit located in Terry Township, **Bradford County** to add 2.00 additional permit acres—acres change from 3.0 to 5.0 total permit acres. Receiving stream: Susquehanna River. Revision application received: June 15, 2006. Revision issued: September 25, 2006.

18060802. R. C. Bowman, Inc. (17436 Nittany Valley Drive, Mill Hall, PA 17751). Commencement, operation and restoration of a Small Industrial Minerals (Topsoil) permit in Lamar Township, **Clinton County** affecting 5.0 acres. Receiving stream: Fishing Creek to the Susquehanna River. Application received: July 13, 2006. Permit issued: October 5, 2006.

08012801. Johnson Quarries, Inc. (P. O. Box 136, LeRaysville, PA 18829). Transfer of an existing Small Industrial Minerals (Flagstone) permit located in Tuscarora Township, **Bradford County** affecting 1.0 acre. Receiving stream: Wyalusing Creek to the Susquehanna River. Transfer application received: June 20, 2006. Transfer permit issued: September 21, 2006.

08980809. Peck-Hill Farm (R. R. 3, Box 3188, Rome, PA 18837). Transfer of an existing Small Industrial Minerals (Bluestone) permit located in Windham Township, **Bradford County** affecting 3.0 acres. Receiving stream: UNT to Wysox Creek. Transfer application received: August 10, 2006. Transfer permit issued: September 26, 2006.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

58050835. Brendon Teel (R. R. 1, Box 7, Springville, PA 18844-9706). Commencement, operation and restoration of a quarry operation in Springville Township, **Susquehanna County** affecting 2.0 acres, receiving stream: none. Application received: July 20, 2005. Permit issued: October 11, 2006.

58060803. Todd A. Carter (Carter Road, P. O. Box 241, South Montrose, PA 18843). Commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres; receiving stream: none. Application received: December 27, 2005. Permit issued: October 11, 2006.

58060821. Karl Gesford (R. R. 6, Box 6163, Montrose, PA 18801). Commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres; receiving stream: none. Application received: March 22, 2006. Permit issued: October 11, 2006.

7574SM1A1C10. Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17105). Correction to an existing quarry operation in Silver Spring Township, **Cumberland County** affecting 167.3 acres; receiving stream: Conodoguinet Creek. Application received: July 20, 2006. Correction issued: October 11, 2006.

36900302C5 and NPDES Permit No. PA0594784. Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474). Renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Fulton Township, **Lancaster County**; receiving stream: UNT to Octoraro Creek. Application received: August 24, 2006. Renewal issued: October 12, 2006.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151–161) and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

28064172. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013-0608). Blasting activity permit issued for residential development in Washington Township, **Franklin County**. Blasting activity permit end date is September 30, 2007. Permit issued: October 5, 2006.

28064171. David H. Martin Excavating, Inc. (4961 Cumberland Highway, Chambersburg, PA 17201-9655). Blasting activity permit issued for residential development in Antrim Township, **Franklin County**. Blasting activity permit end date is March 25, 2008. Permit issued: October 5, 2006.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

65064006. Plum Contracting (457 Davidson Road, Pittsburgh, PA 15239). Blasting activity permit for road construction located in East Huntingdon Township, **Westmoreland County**, with an expected duration of one year. Blasting activity permit issued: October 11, 2006.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

27064006. East Resources, Inc. (P. O. Box 279, Allegany, NY 14706). Blasting activity for gas and oil exploration in Howe Township, **Forest County**. This blasting activity permit will expire on October 10, 2007. Application received: October 6, 2006. Application issued: October 10, 2006.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

14064020. Glenn O. Hawbaker, Inc. (P. O. Box 135, State College, PA 16804). Construction blasting for a student apartment building located in State College Borough, **Centre County**. Application received: September 18, 2006. Permit issued: October 6, 2006.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

36064196. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013). Construction blasting for Parkfield

Development in Manor Township, **Lancaster County** with an expiration date of October 31, 2007. Permit issued: October 10, 2006.

36064197. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033). Construction blasting for Woods Edge of Elizabethtown in West Donegal Township, **Lancaster County** with an expiration date of October 30, 2007. Permit issued: October 10, 2006.

38064128. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543). Construction blasting for DeMaio residence in North Cornwall Township, **Lebanon County** with an expiration date of December 30, 2006. Permit issued: October 10, 2006.

38064129. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543). Construction blasting for Flite Path Industrial Park in South Londonderry Township, **Lebanon County** with an expiration date of December 30, 2007. Permit issued: October 10, 2006.

09064003. Joao & Bradley Construction (P. O. Box 20345, Lehigh Valley, PA 18002) and AJT Blasting, LLC, (P. O. Box 20412, Bethlehem, PA 18002). Construction blasting at Linton Hill Area/Contract No. 1 in Newtown Township, **Bucks County** with an expiration date of February 26, 2007. Permit issued: October 11, 2006.

06064135. Schlouch, Inc. (P. O. Box 69, Blandon, PA 19510). Construction blasting for Exeter Golf in Exeter Township, **Berks County** with an expiration date of October 1, 2007. Permit issued: October 11, 2006.

15064127. Holbert Explosives, Inc. (237 Mast Hope Plank Road, Lackawaxen, PA 18435). Construction blasting for Woodledge in West Whiteland Township, **Chester County** with an expiration date of October 16, 1007. Permit issued: October 11, 2006.

22064127. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033). Construction blasting for Deer Run in Derry Township, **Dauphin County** with an expiration date of October 30, 2007. Permit issued: October 11, 2006.

36064198. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507). Construction blasting for Castleton Development in East Donegal Township, **Lancaster County** with an expiration date of October 5, 2007. Permit issued: October 11, 2006.

36064199. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507). Construction blasting for North Kinser Road Sewer utility in Paradise Township, **Lancaster County** with an expiration date of October 5, 2007. Permit issued: October 11, 2006.

360641100. Gerlach's Drilling & Blasting (172 Bender Mill Road, Lancaster, PA 17603). Construction blasting for Kline Farm manure pit and improvements in Rapho Township, **Lancaster County** with an expiration date of October 15, 2007. Permit issued: October 11, 2006.

360641101. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543). Construction blasting for a single dwelling in West Earl Township, **Lancaster County** with an expiration date of December 30, 2006. Permit issued: October 11, 2006.

06064136. Schlouch, Inc. (P. O. Box 69, Blandon, PA 19510). Construction blasting for Meadow View Farms in Oley Township, **Berks County** with an expiration date of October 10, 2007. Permit issued: October 12, 2006.

15064129. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241). Construction blasting for Pelham Place in East Fallowfield Township,

Chester County with an expiration date of September 30, 2007. Permit issued: October 12, 2006.

22064128. Hall Explosives, Inc. (2981 Elizabethtown Road, Hershey, PA 17033). Construction blasting for Hummelstown Borough and Derry Township, **Dauphin County** with an expiration date of October 30, 2007. Permit issued: October 12, 2006.

360641102. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543). Construction blasting for Carrington Development in Manheim Township, **Lancaster County** with an expiration date of December 30, 2007. Permit issued: October 12, 2006.

38064130. Keystone Blasting Service (381 Reifsnyder Road, Lititz, PA 17543). Construction blasting for Creekside Development in North Cornwall Township, **Lebanon County** with an expiration date of December 30, 2007. Permit issued: October 12, 2006.

45064161. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419). Construction blasting for a single dwelling in Stroud Township, **Monroe County** with an expiration date of March 30, 2007. Permit issued: October 13, 2006.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Regional Office, Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E40-660. CAN DO, Inc., 1 South Church Street, Hazleton, PA 18201. Hazle Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To place fill in approximately 1.81 acres of PSS-FO wetlands for the purpose of constructing infrastructure improvements and building site developments on a 760-acre tract of land known as Humboldt Industrial Park North. The permittee is required to provide 1.81 acres of replacement wetlands. The project is located on the north side of SR 0924, approximately 1.2 miles west of SR 0081 (Conyngham, PA Quadrangle N: 15.0 inches; W: 6.0 inches). (Subbasin: 5D)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

E28-331: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699 in Warren Township, **Franklin County**, ACOE Baltimore District To: 1) remove an existing, single span steel truss bridge having a total span of 70 feet, a width of 13 feet, and minimum underclearance of 8 feet; and 2) construct and maintain a two-span prestressed concrete box beam bridge having a total clear span of 89.5 feet, a width of 31.3 feet, and a minimum underclearance of 8.5 feet carrying SR 3026, Section 001, Segment 0030 over Little Cove Creek (CWF), at a point approximately 0.35 mile south of the intersection of SR 456 and SR 3026 (Cherry Run, PA Quadrangle N: 19.77 inches; W: 5.15 inches, Latitude: 39° 44' 02"; Longitude: 78° 02' 12") in Warren Township, Franklin County. The project will permanently impact 0.03 acre of PEM wetland. The wetland impact is considered de minimus; therefore, replacement is not required. The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E21-388: Mr. and Mrs. Robert B. Wick, 24 East Pine Street, Mount Holly Springs, PA 17065 in Mount Holly Springs Borough, **Cumberland County**, ACOE Baltimore District.

To construct and maintain an average of thirteen 14-foot wide by 21-foot long by 2.5-foot high wooden deck to be connected at the back side of the existing home along the floodway of Mountain Creek (CWF) to enhance their property located along Pine Street about 500 feet east of the Pine Street and Baltimore Street intersection (Mount Holly Springs, PA Quadrangle N: 20.9 inches; W: 8.59 inches; Latitude: 40° 06' 54"; Longitude: 77° 11' 11") in Mount Holly Springs Borough, Cumberland County.

E06-608: Union Township, 177 Center Road, Douglassville, PA 19518 in Union township, **Berks County**, ACOE Philadelphia District.

To construct and maintain a recreation area with walking trails, boat access ramp and access road between East Main Street and the Schuylkill River (WWF) (Birdsboro, PA Quadrangle; N: 2.9 inches; W: 4.5 inches; Latitude: 40° 15' 58", Longitude: 75° 46' 55"), to install and maintain a 24.0-inch RCP outfall structure along a UNT to the Schuylkill River (WWF) (Birdsboro, PA Quadrangle; N: 2.3 inches; W: 4.1 inches; Latitude: 40° 15' 49", Longitude: 75° 46' 47"), to construct and maintain a 94.0-foot long, 3.3-foot high segmental block retaining wall along the Schuylkill River (WWF) (N: 1.87 inches; W: 4.07 inches; Latitude: 40° 15' 37", Longitude: 75° 46' 45"), to construct and maintain a 58.0-foot long, 1.5-foot high segmental block retaining wall along the Schuylkill River (WWF) (N: 1.87 inches; W: 3.99 inches; Latitude: 40° 15' 37", Longitude: 75° 46' 43"), and to construct and maintain a 94.0-foot long, 3.3-foot high segmental block wall along the Schuylkill River (WWF) (N: 1.97 inches; W: 3.95 inches; Latitude: 40° 15' 39", Longitude: 75° 46' 42"). The project is located in Union Township, Berks County.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E14-495. Department of Transportation, Engineering District 2-0, 1924-30 Daisy Street Extension, P. O. Box 342, Clearfield, PA 16830. Engineered Rock Placement Area in Worth Township, **Centre County**, ACOE Baltimore District (Port Matilda, PA Quadrangle N: 11.5 inches; W: 4.5 inches).

To place, operate and maintain an encapsulated Engineered Rock Placement Area (ERPA), for waste pyretic rock mixed with baghouse lime, that encroaches on 0.62 acres of wetland and 4,852 linear feet of waterways with drainage areas less than 100 acres that will be mitigated

on and offsite. The ERPA will result in impacts to 4,852 feet of channel, including 2,814 feet of perennial streams with 1,828 feet of the perennial impacts being redirected into 1,417 feet R-4 riprapped lined channels. This site is located south of the railroad tracks near Bald Eagle Creek, 1.7 miles northeast of the intersection of SR 322 and SR 220 in Port Matilda.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D51-025EA. Fairmount Park Commission, 1 Parkway, 1515 Arch Street 10th Floor, Philadelphia, PA 19102. City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

Project proposes to breach and remove Frankford Avenue Dam across Pennypack Creek (TSF, MF) for the purpose of restoring the stream to a free flowing condition and providing for unobstructed fish passage. The dam is located approximately 2,500 feet northeast of the intersection of Rhawn Street and Frankford Avenue (US 13) (Frankford, PA Quadrangle N: 8.1 inches; W: 2.9 inches).

D11-091EA. Frankie Graham, 612 Locust Street Johnstown, PA 15901 Croyle Township, **Cambria County** ACOE Pittsburgh District.

Project proposes to breach and remove an unnamed dam across Laurel Run (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 125 linear feet of stream channel. The dam is located approximately 4,100 feet northeast of the intersection of Jackson Street (SR 3043) and New Germany Road (SR 2009) (Nanty Glo, PA Quadrangle N: 1.9 inches; W: 0.85 inch).

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

| <i>SSIP Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Tank Type</i> | <i>Tank Capacity</i> |
|------------------------|--|---------------|---------------------|----------------------------|----------------------|
| 06-42-004 | American Refining Group, Inc. 77 N. Kendall Ave. Bradford, PA 16701 Attn: Steve Sherk | McKean | Bradford City | One AST storing distillate | 423,000 gallons |

SPECIAL NOTICES

Planning Grant Awards Under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, section 901 and section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

Act 101, Section 901 Planning Grants

| <i>Region</i> | <i>County</i> | <i>Applicant</i> | <i>Project Description</i> | <i>Grant Award</i> |
|---------------|---------------|-------------------|-----------------------------|--------------------|
| Northwest | Elk | Elk County | Feasibility Study | \$ 68,753 |
| Southcentral | Berks | Berks County | Recycling Feasibility Study | \$100,000 |
| Northeast | Schuylkill | Schuylkill County | Plan Revision | \$ 20,770 |

Consent Order and Agreement between Department of Environmental Protection and Clearfield Foundation

On October 2, 2006, a Consent Order and Agreement between the Department of Environmental Protection and The Clearfield Foundation was executed to establish a civil penalty for a wetland encroachment violation on the Foundation's 200 acre Clearfield Fireman's Industrial Park site in Lawrence Township, Clearfield County and to establish a schedule of activities which the Foundation must accomplish with regard to replacement of 5.9 acres of wetlands at a 3 to 1 ratio, before any further development of the site may commence. The industrial park is being developed under a Business in Our Sites Program grant from the Commonwealth Financing Authority.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

[Pa.B. Doc. No. 06-2118. Filed for public inspection October 27, 2006, 9:00 a.m.]

Coastal Zone Management Program; Comment Period on Proposed Routine Program Changes

The Department of Environmental Protection (Department) has made several program changes to the Coastal Zone Management (CZM) Program. The Department has determined that these changes constitute a Routine Program Change (RPC) in accordance with 15 CFR 923

(relating to coastal zone management program regulations). Since these changes revise Pennsylvania's federally approved CZM Program, the changes must be reviewed by the National Oceanic and Atmospheric Administration's Office of Ocean and Coastal Resource Management (OCRM). As a result, the Department is requesting that OCRM review the changes and concur with the Department's assessment that the changes are RPCs and not amendments. The Department has submitted eleven requests for program changes since 1980. All prior program changes were approved as RPCs.

As required by 15 CFR 923.84(b)(2) (relating to routine program changes), the Department is hereby providing public notice of these changes and requesting comments on whether these changes constitute a RPC. These changes, which are discussed in more detail in the document entitled "RPC XII Proposed Routine Program Changes to Pennsylvania's Coastal Zone Management Program (RPC XII)," involve:

- Amendments to state regulations currently incorporated into the CZM Program's enforceable policies.
- The addition of interstate consistency.
- A boundary expansion in the Delaware Estuary Coastal Zone.
- Renaming and relocation of the CZM program.
- Removal of Inventory of Geographical Areas of Particular Concern (GAPC), and
- A rewrite of CZM's federal consistency procedures necessitated by the reauthorization of and amendments to the Federal CZM Act.

An RPC is defined in Federal regulations (15 CFR 923.84) as, "Further detailing of a state's program that is the result of implementing provisions approved as part of the state's approved management program that does not result in (an amendment)." Essentially, RPCs are clarifications, minor revisions or improvements that do not substantially alter one or more of the following CZM Program areas: Uses Subject to Management; Special Management Areas; Boundaries; Authorities and Organization; and Coordination, Public Involvement and the National Interest.

RPC XII is available for review on the Department's website at www.dep.state.pa.us/river/czmp.htm (select "Program Reference Documents," then "RPC XII Routine Program Changes"). Copies of the RPC XII document are also available for review at the Erie County Department of Planning and the Delaware Valley Regional Planning Commission. In the Lake Erie Region, contact Robert J. Wisener, Planner IV, Erie County Department of Planning, 140 West 6th Street, Room 119, Erie, PA 16501, (814) 451-6017. In the Delaware Estuary Region, contact

Chris Linn, Senior Environmental Planner, Delaware Valley Regional Planning Commission, ACP Building, 8th Floor, 190 N. Independence Mall West, Philadelphia, PA 19106-1520, (215) 238-2873. Copies may also be reviewed in Harrisburg by contacting Larry Toth at the Coastal Zone Management Program, (717) 772-5622.

Interested parties may submit comments on whether or not the Department's changes to the CZM Program do or do not constitute an RPC. Comments must be submitted within three weeks of the date of this notice to Joshua Lott, Team Leader, Coastal Programs Division, NOAA, Office of Ocean and Coastal Resource Management, N/ORM3, SSMC4, 1305 East-West Highway, Room 11200, Silver Spring, MD 20910, josh.lott@noaa.gov. The Department will provide notice in the *Pennsylvania Bulletin* upon OCRM's concurrence that the program changes constitute a RPC.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-2119. Filed for public inspection October 27, 2006, 9:00 a.m.]

Pennsylvania Wetland Replacement Project; Notice of Approved Project for Funding

The Department of Environmental Protection (Department) has approved the following wetland restoration project for funding under the Pennsylvania Wetland Replacement Project (PWRP). The PWRP is a jointly managed fund between the Department and the National Fish and Wildlife Foundation established to offset wetland losses. Construction for the following projects is anticipated to begin in the fall/winter, 2006.

Contact Shelby Reisinger, Department of Environmental Protection, Division of Waterways, Wetlands and Stormwater Management, P. O. Box 8775, Harrisburg, PA 17105-8775, (717) 787-6827 or shreisinge@state.pa.us for further information.

Project No. 016G61-001

Sponsored by the Ruffed Grouse Society and Mackin Engineering Company, the primary objective of this 15-acre scrub/shrub wetland creation in the Sandy Creek Watershed of the Ohio River drainage is habitat for game birds. The project proposes to restore 15 acres of wetlands that were previously tile drained. The project is located in Sandy Creek Township, Venango County.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-2120. Filed for public inspection October 27, 2006, 9:00 a.m.]

Water Resources Advisory Committee Meeting

The Water Resources Advisory Committee (Committee) is scheduled to meet at 9:30 a.m. on November 8, 2006, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. This meeting is a continuation of the October 13, 2006, at which committee discussions of the "Tributary Strategy Update" and "Draft Manual for Land Treatment of Wastewater" were tabled.

Questions concerning the November 8, 2006, meeting of the Committee should be directed to Phil Consonery,

Bureau of Water Standards and Facilities Regulation, (717) 772-2184, pconsonery@state.pa.us. The agenda and meeting materials for the November 8, 2006, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5668 or through the AT&T Relay Service at (800) 5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 06-2121. Filed for public inspection October 27, 2006, 9:00 a.m.]

DEPARTMENT OF HEALTH

Availability of Title V Funds to Fund Breastfeeding Awareness and Support Activities Through Mini-Grants

The Bureau of Family Health in collaboration with the Bureau of Health Promotion and Risk Reduction's Nutrition and Physical Activity Program is accepting mini-grant applications for breastfeeding awareness and community outreach activities occurring between October 30, 2006, and June 30, 2007.

Mini-grants for up to \$3,000 per 12-month period are available to support activities, services and projects designed to promote social, institutional or cultural changes with the direct objective of: increasing the number of women who breastfeed for up to 1 year; increasing the number of people who consider breastfeeding acceptable and desirable; and/or increasing the number of pregnant women who select breastfeeding as their long-term infant feeding practice; and/or decreasing the negative stereotypes associated with breastfeeding among the general public.

The public health benefits of breastfeeding have been extensively documented. Experts agree that breastfeeding is the optimal way to feed infants. Breastfeeding significantly promotes infant and maternal immediate and long-term health, decreases the frequency of doctor visits, hospitalizations and medication utilization and thereby lowers medical costs. As a result, the decision to breastfeed is of significant importance to the newborn child, the mother and the public health and healthcare system.

Eligible applicants are public and private organizations, foundations or community-based agencies in this Commonwealth as recognized by a Federal Tax ID number. Individuals may not apply. Eligible applicants include, but are not limited to, medical care facilities, medical providers, educational providers, youth groups, community organizations, employers/businesses, professional associations, local governments, social/human service agencies or schools/colleges/universities.

Funds may be used to support ongoing activities, services or projects that promote the objectives of the program, including but not limited to equipment, teaching tools, staff time to perform group counseling, community educational and advocacy functions, advertising, space rental for special activity and trainer expenses. Applicants may apply for funding to cover multiple purchases/activities, not to exceed \$3,000 cumulatively per grant period.

Completed applications will be accepted between October 30, 2006, and April 1, 2007. Applicants will be considered on a first-come-first-served basis contingent upon the availability of funds and Department of Health (Department) approval. Copies of application forms and other background information are available on the Department's website (www.health.state.pa.us: search word: "mini-grants").

Completed applications will be scored by an independent review panel using a ten point rating scale. The five rating factors are: soundness of approach (five points), resources leveraged and partnership building (three points), degree to which the changes are determined to be potentially successful and effective (two points), documented need and target population selection (one point). One bonus point will given to any applicant with documented media commitment or involvement.

Applicants will be notified of approval/disapproval in writing within 30 days of receipt of a completed application. Applicants not selected for funding will be offered one opportunity to be reconsidered after revising their application to conform to the guidelines. Awardees are expected to abide by the provisions and limitations of the Federal funding source, the Title V Maternal and Child Health Block Grant (42 U.S.C.A. § 701, et seq.).

To request application materials or for additional information related to this initiative, contact Martha Kautz, Program Coordinator, Breastfeeding Awareness and Support, Bureau of Family Health, Division of Community Systems Development and Outreach, Health and Welfare Building, 7th Floor East, 7th and Forster Streets, Harrisburg, PA 17120, (717) 772-2763, fax (717) 772-0323, mkautz@state.pa.us.

For persons with a disability who require an alternative format of this notice or of the application materials (for example, large print, audiotape, Braille) contact Martha Kautz in the Bureau of Family Health at (717) 772-2763 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 06-2122. Filed for public inspection October 27, 2006, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

| <i>Contractor</i> | <i>Address</i> | <i>Date of Debarment</i> |
|--|---|------------------------------|
| Derryl Mills Escavating, Inc., and Derryl Mills, President and owner, individually | 21 Westbrite Court Wilmington, DE 19810 | 10/12/2006 |

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 06-2123. Filed for public inspection October 27, 2006, 9:00 a.m.]

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

| <i>Contractor</i> | <i>Address</i> | <i>Date of Debarment</i> |
|---|---|------------------------------|
| Mr. Drywall, Inc. and L.G.S. Group, LLC t/a Baltimore Light Gauge Framing Division and Mark Miller, President, individually | 9521 Horn Avenue Perry Hall, MD 21236 | 10/13/2006 |

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 06-2124. Filed for public inspection October 27, 2006, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program Fee Schedule; Mobile Mental Health Treatment

This notice announces that the Department of Public Welfare (Department) will add Mobile Mental Health Treatment (MMHT) for Medical Assistance (MA) recipients 21 years of age and older to the MA Program Fee Schedule effective November 1, 2006.

Description of Service

MMHT is an array of services for individuals with a mental illness who have encountered barriers to, or have been unsuccessful in, receiving services in an outpatient clinic. The purpose of MMHT is to provide therapeutic treatment to

minimize the need for more intensive levels of service, including crisis intervention or inpatient hospitalization. MMHT encompasses evaluation and treatment, including individual, group, and family therapy as well as medication visits in an individual's residence or other approved community site.

MMHT can be provided by any licensed mental health outpatient clinic enrolled in the MA Program. The payment rates for MMHT will be the same as the payment rates for the parallel mental health outpatient clinic services.

The procedure codes and accompanying modifiers that comprise MMHT, as well as the payment rate and limit for each procedure code, are as follows:

| <i>National Code</i> | <i>Pricing Modifier</i> | <i>Information Modifier</i> | <i>MA fee</i> | <i>Description</i> | <i>Unit of Service</i> | <i>Limits</i> |
|----------------------|-------------------------|-----------------------------|---------------|---|------------------------|---|
| 90801 | UB | HB | 75.00 | Psychiatric diagnostic interview examination | occurrence | 2 per year |
| 90802 | UB | HB | 75.00 | Interactive psychiatric diagnostic interview examination | occurrence | |
| 90804 | UB | HB | 26.00 | Individual psychotherapy, insight oriented, behavior modifying and/or supportive, in an office or outpatient facility, face to face | 30 min | |
| 90806 | UB | HB | 39.00 | Individual psychotherapy, insight oriented, behavior modifying and/or supportive, in an office or outpatient facility, face to face | 45 min | * |
| 90808 | UB | HB | 65.00 | Individual psychotherapy, insight oriented, behavior modifying and/or supportive, in an office or outpatient facility, face to face | 75 min | * |
| 90810 | | HB | 26.00 | Individual psychotherapy, interactive, using play equipment, physical devices, language interpreter or other mechanisms of nonverbal communication, in an office or outpatient facility, face to face | 30 min | * |
| 90812 | | HB | 39.00 | Individual psychotherapy, interactive, using play equipment, physical devices, language interpreter or other mechanisms of nonverbal communication, in an office or outpatient facility, face to face | 45 min | * |
| 90814 | | HB | 65.00 | Individual psychotherapy, interactive, using play equipment, physical devices, language interpreter or other mechanisms of nonverbal communication, in an office or outpatient facility, face to face | 75 min | * |
| 90846 | UB | HB | 13.00 | Family psychotherapy (without patient present) | 15 min | Minimum 2 units * |
| 90847 | UB | HB | 13.00 | Family psychotherapy (conjoint psychotherapy) with patient present | 15 min | Minimum 2 units * |
| 90853 | UB | HB | 3.50 | Group Psychotherapy (other than for a multiple-family group) | 15 min | Minimum 1 hr * |
| 96100 | UB | HB | 31.00 | Psychological testing (includes psychodiagnostic assessment of personality, psychopathology, emotionality, intellectual abilities, such as, WAIS-R, Rorschach, MMP) with interpretation and report (per hour) (individual, not group) | occurrence | One comprehensive diagnostic psychological evaluation or no more than \$80 worth of individual psychological or intellectual evaluations per 365 days |

| <i>National Code</i> | <i>Pricing Modifier</i> | <i>Information Modifier</i> | <i>MA fee</i> | <i>Description</i> | <i>Unit of Service</i> | <i>Limits</i> |
|----------------------|-------------------------|-----------------------------|---------------|---|------------------------|---|
| 96100 | TF | HB | 40.00 | Psychological testing (includes psychodiagnostic assessment of personality, psychopathology, emotionality, intellectual abilities, such as, WAIS-R, Rorschach, MMP) with interpretation and report (per hour) (thermatic) | occurrence | |
| 96100 | | HB | 20.00 | Psychological testing (includes psychodiagnostic assessment of personality, psychopathology, emotionality, intellectual abilities, such as, WAIS-R, Rorschach, MMP) with interpretation and report (per hour) (pen and paper) | occurrence | |
| 96100 | UB | HB | 31.00 | Psychological testing (includes psychodiagnostic assessment of personality, psychopathology, emotionality, intellectual abilities, such as, WAIS-R, Rorschach, MMP) with interpretation and report (per hour) (pen and paper) | occurrence | |
| 96100 | TG | HB | 80.00 | Psychological testing (includes psychodiagnostic assessment of personality, psychopathology, emotionality, intellectual abilities, such as, WAIS-R, Rorschach, MMP) with interpretation and report (per hour) | occurrence | |
| 96117 | | HB | 40.00 | Neuropsychological testing battery (such as, Halstead-Reitan, Luria, WAIS-R) w/ interpretation and report, per hour | occurrence | |
| H0034 | | HK & HB | 20.00 | Medication training and support | 15 min | 5 per calendar month ** |
| 90862 | UB | HB | 15.00 | Pharmacologic management, including prescription, use and review of medication with no more than minimal medical psychotherapy | 15 min | 3 per 30 days ** |
| H0034 | | HB | 20.00 | Medication training and support | 15 min | 4 per calendar month |
| H2010 | | HK and HB | 30.00 | Comprehensive Medication Services, per 15 minutes | 15 min | 1 per week and only for clients with any one of the following diagnosis codes: 295.1X, 295.2X, 295.3X, 295.6X and 295.9X (X = any numeric value) Diagnosis must be valid and payable per PROMISE |

NOTE: The place of service for each procedure code is 15.

*5 hours or 10 one-half hour sessions combined of individual, group or family psychotherapy per 30 days

** 90862/UB and H0034/HK and HB limited to any combination of 5 per calendar month

Fiscal Impact

For Fiscal Year 2006-2007, the projected fiscal impact is \$0.292 million in total funds (\$ 0.133 million in State funds).

Public Comment

The Department received and considered input from a wide variety of stakeholders, including the Medical Assistance Advisory Committee and the Advisory Committee for the Office of Mental Health and Substance Abuse Services, in developing MMHT. Interested persons may submit written comments regarding this notice to the Department of Public Welfare, Office of Mental Health and Substance Abuse Services, Bureau of Policy and Program Development, Attention: Division Chief, P. O. Box 2675, Beechmont Building, 2d Floor, Harrisburg, PA 17105. Comments received within 30 days of publication of this notice will be considered in any subsequent revisions to the service requirements or fee schedule.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-490. (1) General Fund;

| | <i>MA-Outpatient</i> | <i>MA-Capitation</i> |
|------------------------------------|----------------------|----------------------|
| (2) Implementing Year 2006-07 is | \$16,000 | \$117,000 |
| (3) 1st Succeeding Year 2007-08 is | \$31,000 | \$177,000 |
| 2nd Succeeding Year 2008-09 is | \$31,000 | \$177,000 |
| 3rd Succeeding Year 2009-10 is | \$31,000 | \$177,000 |
| 4th Succeeding Year 2010-11 is | \$31,000 | \$177,000 |
| 5th Succeeding Year 2011-12 is | \$31,000 | \$177,000 |

| | <i>MA-Outpatient</i> | <i>MA-Capitation</i> |
|----------------------|----------------------|----------------------|
| (4) 2005-06 Program— | \$945,950,000 | \$2,500,992,000 |
| 2004-05 Program— | \$842,991,000 | \$2,312,457,000 |
| 2004-04 Program— | \$677,979,000 | \$2,222,278,000 |

(7) Medical Assistance-Outpatient (MA-Outpatient); Medical Assistance-Capitation (MA-Capitation); (8) recommends adoption. Funds have been included to cover these increased costs.

[Pa.B. Doc. No. 06-2125. Filed for public inspection October 27, 2006, 9:00 a.m.]

Medical Assistance Program Fee Schedule; Peer Support Services

This notice announces that the Department of Public Welfare (Department) will add Peer Support Services for Medical Assistance (MA) recipients 18 years of age and older to the MA Program Fee Schedule effective November 1, 2006.

Description of Service

Peer Support Services are person-centered and recovery-focused services for individuals with serious and persistent mental illness. The services are provided by individuals who have utilized services in the behavioral health system. These individuals are trained and certified to offer support and assistance to help others in the recovery and community integration process. The services are designed to promote empowerment, self-determination, understanding and coping skills through mentoring and service coordination supports that allow individuals with severe and persistent mental illness to achieve personal wellness and cope with the stressors and barriers encountered when recovering from their disabilities. The service is multifaceted and includes activities such as advocacy, education, development of natural supports, support of work or other meaningful activity of the person's choosing, crisis management, effective utilization of the service delivery system and coordination of and linkage to other service providers. The purpose of Peer Support Services is to inspire hope in individuals that recovery from mental illness and co-occurring substance abuse is not only possible, but probable.

Peer Support Services must be provided by an agency or entity approved by the Department.

The procedure code for Peer Support Services is H00038—Self Help/peer services. The fee schedule rate is \$10 per 15-minute unit. The maximum number of units that may be billed for 1 day is 16 per individual served.

Fiscal Impact

The fiscal impact is anticipated to be an annual savings \$1.412 million in the MA Program. Savings in Fiscal Year 2006-2007 are estimated at \$0.886 million in total funds (\$0.403 million in State funds).

Public Comment

The Department received and considered input from a wide variety of stakeholders, including the MA Advisory Committee and the Advisory Committee for the Office of Mental Health and Substance Abuse Services, in developing Peer Support Services. Interested persons may submit written comments regarding this notice to the Department of Public Welfare, Office of Mental Health and Substance Abuse Services, Bureau of Policy and Program Development, Attention: Division Chief, P. O. Box 2675, Beechmont Building, 2d Floor, Harrisburg, PA 17105. Comments received within 30 days of publication of this notice will be considered in any subsequent revisions to the service requirements or fee schedule.

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-489. No fiscal impact; (8) recommends adoption. Enactment of this notice is expected to save \$44,000 in Medical Assistance—Outpatient program; \$326,000 in the Medical Assistance—Capitation program; and \$33,000 in the Medical Assistance—Inpatient program in Fiscal Year 2006-07.

[Pa.B. Doc. No. 06-2126. Filed for public inspection October 27, 2006, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Bags Of Bucks Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Bags Of Bucks.

2. *Price:* The price of a Pennsylvania Bags Of Bucks instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Bags Of Bucks instant lottery game ticket will contain one play area containing a "MONEYBAG NUMBERS" area, a "YOUR NUMBERS" area and a separate "BONUS BUCKS" area. The play symbols and their captions located in the "MONEYBAG NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTY), 14 (FORTY), 15 (FIFTY) and 16 (SIXTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTY), 14 (FORTY), 15 (FIFTY), 16 (SIXTY) and a Dollar Bill symbol (DLRBILL). The prize play symbols and the play symbol and their captions located in the "BONUS BUCKS" area are: \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and NO BONUS (TRY AGAIN).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$24,000 (TWYFORTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$25, \$50, \$100, \$500, \$1,000 and \$24,000. The prizes that can be won in "BONUS BUCKS" are: \$2, \$4, \$5, \$10, \$25, \$50, \$100, \$500 and \$1,000. A player can win up to 5 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Bags Of Bucks instant lottery game.

7. Determination of Prize Winners.

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$24,000 (TWYFORTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$24,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a \$1,000 (ONE THO) prize play symbol in the "BONUS BUCKS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Dollar Bill symbol (DLRBILL), and a prize symbol of \$500 (FIV HUN) appears under the Dollar Bill symbol (DLRBILL) on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with a \$500 (FIV HUN) prize play symbol in the "BONUS BUCKS" area, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Dollar Bill symbol (DLRBILL), and a prize symbol of \$100 (ONE HUN) appears under the Dollar Bill symbol (DLRBILL) on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a \$100 (ONE HUN) prize play symbol in the "BONUS BUCKS" area, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Dollar Bill symbol (DLRBILL), and a prize symbol of \$50\$ (FIFTY) appears under the Dollar Bill symbol (DLRBILL) on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets with a \$50\$ (FIFTY) prize play symbol in the "BONUS BUCKS" area, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Dollar Bill symbol (DLRBILL), and a prize symbol of \$25\$ (TWY FIV) appears under the Dollar Bill symbol (DLRBILL) on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(o) Holders of tickets with a \$25\$ (TWY FIV) prize play symbol in the "BONUS BUCKS" area, on a single ticket, shall be entitled to a prize of \$25.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Dollar Bill symbol (DLRBILL), and a prize symbol of \$10⁰⁰ (TEN DOL)

appears under the Dollar Bill symbol (DLRBILL) on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets with a \$10⁰⁰ (TEN DOL) prize play symbol in the "BONUS BUCKS" area, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Dollar Bill symbol (DLRBILL), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Dollar Bill symbol (DLRBILL) on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets with a \$5⁰⁰ (FIV DOL) prize play symbol in the "BONUS BUCKS" area, on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(x) Holders of tickets with a \$4⁰⁰ (FOR DOL) prize play symbol in the "BONUS BUCKS" area, on a single ticket, shall be entitled to a prize of \$4.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Dollar Bill symbol (DLRBILL), and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the Dollar Bill symbol (DLRBILL) on a single ticket, shall be entitled to a prize of \$4.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(aa) Holders of tickets with a \$2⁰⁰ (TWO DOL) prize play symbol in the "BONUS BUCKS" area, on a single ticket, shall be entitled to a prize of \$2.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Dollar Bill symbol (DLRBILL), and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the Dollar Bill symbol (DLRBILL) on a single ticket, shall be entitled to a prize of \$2.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "MONEYBAG NUMBERS" play symbols and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers
Match Either Of The
Moneybag Numbers, Win
With Prize(s) Of:*

| | <i>Win:</i> | <i>Approximate Odds of 1 In:</i> | <i>Approximate No. Of Winners Per 8,400,000 Tickets</i> |
|-----------------------------|-------------|--------------------------------------|---|
| \$1 × 2 | \$2 | 37.50 | 224,000 |
| \$2 | \$2 | 75 | 112,000 |
| \$1 w/DOLLAR BILL | \$2 | 37.50 | 224,000 |
| \$2 in BONUS BUCKS | \$2 | 37.50 | 224,000 |
| \$4 | \$4 | 75 | 112,000 |
| \$1 × 4 | \$4 | 75 | 112,000 |
| \$2 w/DOLLAR BILL | \$4 | 75 | 112,000 |
| \$2 + \$2 in BONUS BUCKS | \$4 | 75 | 112,000 |
| \$4 in BONUS BUCKS | \$4 | 75 | 112,000 |
| \$5 | \$5 | 75 | 112,000 |
| \$1 × 5 | \$5 | 150 | 56,000 |
| \$2 w/DOLLAR BILL + \$1 | \$5 | 150 | 56,000 |
| \$5 in BONUS BUCKS | \$5 | 150 | 56,000 |
| \$10 | \$10 | 300 | 28,000 |
| \$2 × 5 | \$10 | 300 | 28,000 |
| \$5 × 2 | \$10 | 300 | 28,000 |
| \$5 w/DOLLAR BILL | \$10 | 300 | 28,000 |
| \$5 + \$5 in BONUS BUCKS | \$10 | 300 | 28,000 |
| \$10 in BONUS BUCKS | \$10 | 300 | 28,000 |
| \$25 | \$25 | 750 | 11,200 |
| \$5 × 5 | \$25 | 750 | 11,200 |
| \$10 w/DOLLAR BILL + \$5 | \$25 | 750 | 11,200 |
| \$5 w/DOLLAR BILL + \$5 × 3 | \$25 | 750 | 11,200 |
| \$25 in BONUS BUCKS | \$25 | 750 | 11,200 |
| \$50 | \$50 | 1,846 | 4,550 |
| \$10 × 5 | \$50 | 1,846 | 4,550 |
| \$25 × 2 | \$50 | 1,846 | 4,550 |
| \$25 w/DOLLAR BILL | \$50 | 1,714 | 4,900 |

*When Any Of Your Numbers
Match Either Of The
Moneybag Numbers, Win
With Prize(s) Of:*

| | <i>Win:</i> |
|-------------------------------------|-------------|
| \$25 + \$25 in BONUS BUCKS | \$50 |
| \$50 in BONUS BUCKS | \$50 |
| \$100 | \$100 |
| \$20 × 5 | \$100 |
| \$25 w/DOLLAR BILL + \$50 | \$100 |
| \$50 + \$50 in BONUS BUCKS | \$100 |
| \$50 w/DOLLAR BILL | \$100 |
| \$500 | \$500 |
| \$100 × 5 | \$500 |
| \$100 w/DOLLAR BILL + \$100 × 3 | \$500 |
| \$100 × 4 + \$100 in BONUS BUCKS | \$500 |
| \$500 in BONUS BUCKS | \$1,000 |
| \$1,000 | \$1,000 |
| \$500 × 2 | \$1,000 |
| \$500 w/DOLLAR BILL | \$1,000 |
| \$500 + \$500 in BONUS BUCKS | \$1,000 |
| \$1,000 in BONUS BUCKS | \$24,000 |
| \$24,000 | |

DOLLAR BILL (DLRBILL) = Win double the prize shown.
BONUS BUCKS = Win prize from \$2 to \$1,000.

*Approximate
Odds of 1 In:*

| |
|-----------|
| 1,714 |
| 1,846 |
| 10,000 |
| 9,231 |
| 9,231 |
| 9,231 |
| 9,231 |
| 60,000 |
| 60,000 |
| 60,000 |
| 60,000 |
| 60,000 |
| 1,680,000 |
| 1,680,000 |
| 1,680,000 |
| 1,680,000 |
| 1,680,000 |
| 840,000 |

*Approximate
No. Of
Winners Per
8,400,000 Tickets*

| |
|-------|
| 4,900 |
| 4,550 |
| 840 |
| 910 |
| 910 |
| 910 |
| 910 |
| 140 |
| 140 |
| 140 |
| 140 |
| 140 |
| 5 |
| 5 |
| 5 |
| 5 |
| 5 |
| 5 |
| 10 |

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Bags Of Bucks instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Bags Of Bucks, prize money from winning Pennsylvania Bags Of Bucks instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Bags Of Bucks instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Bags Of Bucks or through normal communications methods.

GREGORY C. FAJT,
Secretary

[Pa.B. Doc. No. 06-2127. Filed for public inspection October 27, 2006, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Medical Advisory Board Meeting

The Medical Advisory Board, established under 75 Pa.C.S. § 1517 (relating to Medical Advisory Board) will meet on Friday, November 17, 2006, at The Riverfront Office Center, Transportation University, 1101 S. Front Street, Harrisburg, PA. The meeting is open to the public between 10 a.m. and 3 p.m. Betty L. Serian, Deputy Secretary for Safety Administration and Chairperson will preside.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are requested to contact Tanja Staznik, Department of Transportation, Bureau of Driver Licensing at (717) 705-6799 prior to the meeting so that disability needs may be accommodated.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 06-2128. Filed for public inspection October 27, 2006, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Fish and Boat Commission v. DEP; EHB Doc. No. 2006-217-L

The Fish and Boat Commission has appealed the issuance by the Department of Environmental Protection of NPDES permit to same for a facility in Benner Township, Centre County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 06-2129. Filed for public inspection October 27, 2006, 9:00 a.m.]

Fish and Boat Commission v. DEP; EHB Doc. No. 2006-218-L

The Fish and Boat Commission has appealed the issuance by the Department of Environmental Protection of NPDES permit to same for a facility in Benner Township, Centre County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by interested parties on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's

rules of practice and procedure are available upon request from the Board.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 06-2130. Filed for public inspection October 27, 2006, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Acceptance of Rulemaking Petition for Study

On October 17, 2006, the Environmental Quality Board (Board) accepted two rulemaking petitions for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy).

The first petition, submitted by the Shermans Creek Conservation Association, requests the Board redesignate Sherman Creek (main stem, from the confluence of Cisna Run to the confluence of the Susquehanna River) in Perry County from Warm Water Fishes (WWF), as identified in 25 Pa. Code § 93.9o to Exceptional Value (EV).

The second petition, submitted by Civil and Environmental Consultants, Inc., on behalf of Consol Pennsylvania Coal Company, requests the Board redesignate Grinnage Run from its headwaters to its confluence with Grays Fork in Gray and Richhill Townships, Greene County, from High-Quality WWF (HQ-WWF) as identified in 25 Pa. Code § 93.9v to (WWF).

Under 25 Pa. Code § 93.4d(a) (relating to processing petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) is required to publish a notice of intent to assess candidate waters before performing survey work. The Department's assessment notices for Sherman Creek and Grinnage Run will appear in a future issue or issues of the *Pennsylvania Bulletin*.

The previously referenced petitions are available to the public by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 and are accessible on the Department's website at <http://www.depweb.state.pa.us> (DEP Keywords: "EQB").

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 06-2131. Filed for public inspection October 27, 2006, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market St., 14th Floor, Harrisburg at 10:30 a.m. To obtain a copy of a regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check its website at www.irrc.state.pa.us for updates.

Final-Form

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> | <i>Public Meeting</i> |
|-----------------|--|-----------------|-----------------------|
| 6-301 | State Board of Education Prekindergarten | 10/17/06 | 11/16/06 |
| 7-405 | Environmental Quality Board Standards for Contaminants; Mercury | 10/17/06 | 11/16/06 |

Final-Omit

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> | <i>Public Meeting</i> |
|-----------------|---|-----------------|-----------------------|
| 11-236 | Insurance Department Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits and the 2001 CSO Preferred Class Structure Mortality Table for Use in Determining Minimum Reserve Liabilities | 10/13/06 | 11/16/06 |
| 15-440 | Department of Revenue Organ and Bone Marrow Donor Tax Credit | 10/18/07 | 11/30/06 |

ALVIN C. BUSH,
Chairperson

[Pa.B. Doc. No. 06-2132. Filed for public inspection October 27, 2006, 9:00 a.m.]

INSURANCE DEPARTMENT

Encompass Insurance Company of America; Private Passenger Auto Insurance Rate Revision; Rate Filing

On October 13, 2006, the Insurance Department (Department) received from Encompass Insurance Company of America a filing for a proposed rate level change for Private Passenger Auto insurance.

The company requests an overall 6.9% increase amounting to \$5.790 million annually, to be effective upon approval.

Unless formal administrative action is taken prior to December 12, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2133. Filed for public inspection October 27, 2006, 9:00 a.m.]

Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action; Notice No. 2006-10

The Insurance Department (Department), Medical Care Availability and Reduction of Error Fund, by Peter J. Adams, Deputy Insurance Commissioner, under section 712 of the Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P.S. § 1303.712), has determined that the annual assessment to be levied for calendar year 2006 shall be 23% applied to the prevailing primary premium for each participating health care provider.

The act defines "prevailing primary premium" as the schedule of occurrence rates approved by the Insurance Commissioner for the Joint Underwriting Association (JUA). For purposes of the 2006 annual assessment, the rates shall be those currently approved for use by the JUA.

Participating health care providers having approved self-insurance plans shall be assessed an amount equal to the assessment imposed on a participating health care provider of like class, size, risk and kind as determined by the Department.

This action is subject to 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

PETER J. ADAMS,
Deputy Insurance Commissioner

[Pa.B. Doc. No. 06-2134. Filed for public inspection October 27, 2006, 9:00 a.m.]

Nationwide Property and Casualty Insurance Company; Homeowners Rate and Rule Revision; Rate Filing

On October 11, 2006, the Insurance Department (Department) received from Nationwide Property and Casualty Insurance Company a filing for a rate level and rule change for homeowners insurance.

The company requests an overall 0.0% change amounting to -\$4,200 annually, to be effective March 4, 2007, for new business and April 7, 2007, for renewal business.

Unless formal administrative action is taken prior to November 10, 2006, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2135. Filed for public inspection October 27, 2006, 9:00 a.m.]

Physician Care, P. C.; Prehearing

Appeal of Physician Care, P. C. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-09-008

On or before October 18, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 22, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for November 8, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 3, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 25, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before November 1, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2136. Filed for public inspection October 27, 2006, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of John Bry; file no. 06-171-23721; State Farm Insurance Co.; doc. no. P06-09-011; November 1, 2006, 10 a.m.

Appeal of Larry and Carolyn Williams; file no. 06-188-23126; Countryway Insurance Co.; doc. no. P06-09-011; October 26, 2006, 10 a.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Taiwo Fowowe; file no. 06-266-21015; Bretheran Mutual Insurance Co.; doc. no. PH06-09-007; November 9, 2006, 4 p.m.

Appeal of Craig Kissell; file no. 06-266-16328; Erie Insurance Co.; doc. no. PH06-09-006; November 9, 2006, 11 a.m.

Appeal of Glinda D. Lewis; file no. 06-266-23278; Westfield Insurance Co.; doc. no. P06-09-020; November 9, 2006, 3 p.m.

Appeal of Elaine Tag; file no. 06-188-23120; Encompass Insurance Co.; doc. no. P06-09-004; November 9, 2006, 10 a.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Patricia A. Werkmeister; file no. 06-303-23810; GEICO Insurance Co.; doc. no. PI06-09-013; December 8, 2006, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2137. Filed for public inspection October 27, 2006, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Michael P. and Gail A. Touey; file no. 06-119-20430; Erie Insurance Co.; doc. no. P06-09-005; October 25, 2006, 10 a.m.

Appeal of Sandra and Thomas Worthy; file no. 06-188-23736; Erie Insurance Co.; doc. no. P06-09-010; November 7, 2006, 10 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Seymour Zayon; file no. 06-215-21457; Keystone Insurance Co.; doc. no. P06-09-019; November 9, 2006, 2 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2138. Filed for public inspection October 27, 2006, 9:00 a.m.]

Select Specialty Hospital—Johnstown; Prehearing

Appeal of Select Specialty Hospital—Johnstown under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-09-016

On or before October 18, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 8, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for November 8, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before November 3, 2006. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before October 25, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before November 1, 2006.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 06-2139. Filed for public inspection October 27, 2006, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

License Hearings

The Pennsylvania Gaming Control Board (Board), under 58 Pa. Code § 441.19 (relating to licensing hearings for slot machine licenses), published a schedule for the slot machine licensing hearings for Category 1, 2 and 3 slot machine license applications at 36 Pa.B. 4575 (August 12, 2006).

The Board has made changes to the schedule for Category 2 applicants to accommodate the public and media by avoiding the busy November 7th election day without altering the Board's overall timetable for awarding licenses by the end of the year. The revised schedule for the Category 2 applicants is as follows.

Category 2—Philadelphia

Monday, November 13—beginning at 12:30 p.m.

- HSP Gaming, LP
- Riverwalk Casino, LP

Tuesday, November 14—beginning at 9 a.m.

- Philadelphia Entertainment and Development Partners, LP
- Keystone Redevelopment Partners, LLC

Wednesday, November 15—beginning at 9 a.m.

- Pinnacle Entertainment, Inc.

Category 2—Pittsburgh

Monday, November 20—beginning at 9 a.m.

- Station Square Gaming, LP
- Isle of Capri

Tuesday, November 21—beginning at 9 a.m.

- PITG Gaming, LLC

Category 2—At-Large

Monday, December 4—beginning at 8:30 a.m.

- Tropicana Pennsylvania, LLC
- Sands Bethworks Gaming, LLC

Tuesday, December 5—beginning at 8:30 a.m.

- Pocono Manor Investors, LP
- Mt. Airy No. 1, LLC
- Crossroads Gaming Resort & Spa, LP

The hearings for the Category 2 applicants will provide the Board with an opportunity to hear directly from the applicants on both their suitability to gain licensure and the merits of their project location compared to other Category 2 applicants. In turn, the Board will question applicants about their character, operational and financial suitability, community impact, diversity plans, plans for the prevention of compulsive gaming and other issues.

In addition to the changes in the Category 2 hearing schedule, the licensing hearings for the permanent Category 1 applicants have been moved to December 13 beginning at 11:30 a.m. The applicants will be:

- Washington Trotting Association, Inc.
- Presque Isle Downs, Inc.
- Downs Racing, LP
- Chester Downs and Marina, LLC

- Mountainview Thoroughbred Racing Association
- Greenwood Gaming and Entertainment, Inc.

THOMAS A. DECKER,
Chairperson

[Pa.B. Doc. No. 06-2140. Filed for public inspection October 27, 2006, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 20, 2006. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons* as described under each application.

A-00123208. Louis S. Yoder (40 Green Lane, Belleville, Mifflin County, PA 17004)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Mifflin, to points in Pennsylvania, and return.

A-00123210. Jose Francisco Jose (515 Winters Avenue, West Hazleton, Luzerne County, PA 18202)—persons in paratransit service, from points in the City of Hazleton, to points in the Township of Pittston, both in Luzerne County, and vice versa.

A-00123218. V J Limo Service, Inc. (P. O. Box 267, Adamstown, Lancaster and Berks Counties, PA 19501), a corporation of the Commonwealth—persons in limousine service in the Counties of Berks, Lancaster and York, to points in Pennsylvania, and return.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights* as described under the application.

A-00123211. JMC Properties, LLC (4989 Lighthouse Road, Chambersburg, Franklin County, PA 17201), a limited liability company of the Commonwealth—persons, in limousine service, from points in the Counties of

Adams, Cumberland, Franklin and Fulton, to points in Pennsylvania, and return; which is to be a transfer of all the right authorized under the certificate issued at A-00122482 to Jay L. Gardenhour, subject to the same limitations and conditions.

Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* as described under the application.

A-00122149, Folder 1, Am. A Success America (1813 Easton Road, Willow Grove, Montgomery County, PA 19090), a corporation of the Commonwealth—persons in paratransit service, from points in Bucks County, to points in Pennsylvania, and return.

Application of the following for approval of the *additional right* and privilege of operating motor vehicles as *common carriers* for transportation of *persons* as described under the application.

A-00110765, F. 4. Susquehanna Valley Limousine, Inc. (106 Arch Street, Suite No. 4, Sunbury, Northumberland County, PA 17801)—a corporation of the Commonwealth, for the additional right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in Pennsylvania.

Applications of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-00117314, James Joseph Harrington t/a Jim Harrington Limo Service (296 Camp Strause Road, Fredericksburg, Lebanon County, PA 17206)—for the discontinuance of service and cancellation of his certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons in limousine service, between points Pennsylvania.

A-00118893, F.2. Your Tours, Inc. (65 First Street, Wyoming, Luzerne County, PA 18644), a corporation of the Commonwealth—for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons in limousine service, between points in the Counties of Lackawanna, Luzerne and Wyoming, to points in Pennsylvania, and return.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2141. Filed for public inspection October 27, 2006, 9:00 a.m.]

Telecommunications

A-310633F7002. The United Telephone Company of Pennsylvania d/b/a Embarq and Level 3 Communications, LLC. Joint petition of The United Telephone

Company of Pennsylvania d/b/a Embarq and Level 3 Communications, LLC for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Embarq and Level 3 Communications, LLC, by its counsel, filed on October 11, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the United Telephone Company of Pennsylvania d/b/a Embarq and Level 3 Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2142. Filed for public inspection October 27, 2006, 9:00 a.m.]

Telecommunications

A-311388F7002. The United Telephone Company of Pennsylvania d/b/a Embarq and Pac-West Telecomm, Inc. Joint petition of The United Telephone Company of Pennsylvania d/b/a Embarq and Pac-West Telecomm, Inc. for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Embarq and Pac-West Telecomm, Inc., by its counsel, filed on October 16, 2006, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania d/b/a Embarq and Pac-West Telecomm, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 06-2143. Filed for public inspection October 27, 2006, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #06-104.S, Two Portable Sonar Units with Associated Software and Viewing Stations, until 2 p.m. on Tuesday, November 28, 2006. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 N. Delaware Ave., 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available October 31, 2006. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal

opportunity employer. Contractors must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department in writing the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

A mandatory prebid job site meeting will be held on November 9, 2006, at 10 a.m. at the Tioga Administration Building, 3460 N. Delaware Avenue, Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 06-2144. Filed for public inspection October 27, 2006, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

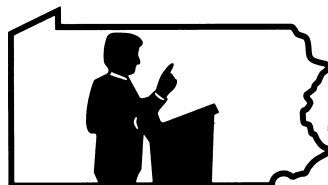
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center
PA Department of Community and Economic Development
374 Forum Building
Harrisburg, PA 17120
800-280-3801 or (717) 783-5700

Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

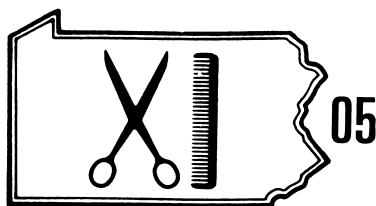
DO BUSINESS WITH STATE AGENCIES

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. The bureau is, by law, the central repository for all state contracts over \$5,000. Contract Specialists can supply you with descriptions of contracts, names of previous bidders, pricing breakdowns and other information. They can also direct you to the appropriate person and agency looking for your product or service. Copies of state contracts are also available. (Duplicating and mailing costs may apply). For more information, visit us online at www.patreasury.org.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania Treasury Department
 201 Finance Building
 Harrisburg, PA 17120
 Phone: (717) 787-2990 or 1-800-252-4700
 Fax: (717) 772-0977

ROBERT P. CASEY, Jr.,
State Treasurer

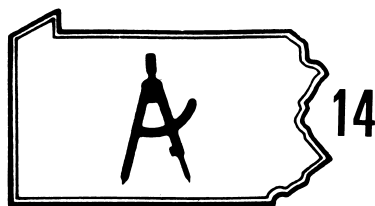
SERVICES



Barber Services

CN00023313 Contractor to provide female residents of the North Central Secure Treatment Unit with beautician and cosmetology services.

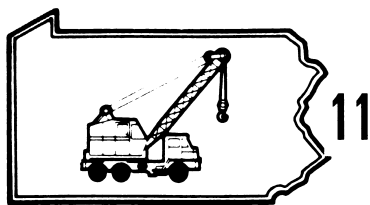
Department: Public Welfare
Location: North Central Secure Treatment Unit, Girls Unit, 13 Kirkbride Drive, Danville, PA 17821
Duration: 12/1/06 - 6/30/09
Contact: Nikki Koser, Purchasing Agent, (717) 789-5508



Engineering Services

cn00023332 This contract will provide all personnel and equipment, including a bucket truck that will reach a 40' high working area, to complete electrical services in accordance with this quotation and specifications. Personnel must have a journeyman's license. Bid opening will be held on 11/3/06. Requests for quotes may be made in writing by fax to (570) 893-2953 or by e-mail to tmchenry@state.pa.us.

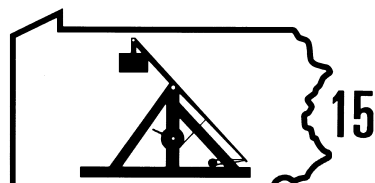
Department: Transportation
Location: I-80 Roadside Rest near Carroll in Clinton County and the various maintenance stockpiles located throughout Clinton County.
Duration: 1 year contract with one (1) year renewal
Contact: Tammie J. McHenry, 570-893-2430



Demolition—Structural Only

80-B18 Demo The Pennsylvania Department of Transportation will be accepting sealed bids for the demolition and removal of both commercial and residential structure located adjacent to State Route 0026 (at the intersection of SR 26 and Interstate 80) in Spring Township, Centre County for the following properties: 1294 Jacksonville Road, Bellefonte, PA; 1190 Jacksonville Road, Bellefonte, PA; 1223 Jacksonville Road, Bellefonte, PA 16823; 1236 Jacksonville Road, Bellefonte, PA 16823 SR 26 (at the intersection with I-80), Bellefonte, Pa. Bidding contractors must be on the Pennsylvania Department of Transportation's Contractor Prequalified List as a prime contractor approved for building demolition, work code classification "B." Asbestos containing materials have been removed from the structures. Contractors will be required to demolish or remove all structures, outbuildings and site improvements. The contractor will also be required to comply with all Local, State, and FHWA regulations. For bid information, specifications, and further information, please contact Mr. Gary Bojalad, District 2-0 Property Manager at 814-765-0447.

Department: Transportation
Location: Spring Township, Centre County, Intersection of SR 26 and I-80
Duration: 60 days from Notice to Proceed
Contact: Gary Bojalad, (814) 765-0447



Environmental Maintenance Service

BOGM 06-4 Cleaning Out and Plugging Two (2) Abandoned Oil Wells, (Mrs. Agnese Giordano and Mr. and Mrs. Hiel Bartlett Properties) The principal items of work include cleaning out and plugging two abandoned oil wells, estimated to be 1,200 feet each in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on October 27, 2006 and bids will be opened on November 30, 2006 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. A pre-bid conference is planned for this project but a date has not been et. Please use the contact information contained in this advertisement to find out more about the pre-bid.

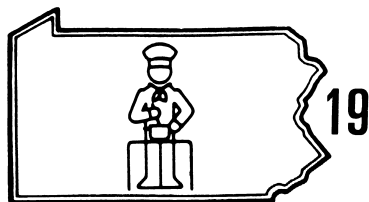
Department: Environmental Protection
Location: Bradford Township, McKean County
Duration: 15 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820

BOGM 06-18 Cleaning Out and Plugging Sixty-Four (64) Abandoned and Orphan Oil Wells, (Mr. and Mrs. Chris Works, Mr. Fred L. Bouquin, Mr. and Mrs. Tim Wells, Mrs. Elizabeth Eschrich and Mr. Raymond Bouquin Properties) The principal items of work include cleaning out and plugging sixty-four (64) abandoned and orphan oil wells, estimated to be between 1,200-1,400 feet each in depth, to Department Specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on October 27, 2006 and bids will be opened on November 30, 2006. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

Department: Environmental Protection
Location: Foster Township, McKean County
Duration: 340 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820

BOGM 06-17 Cleaning Out and Plugging Twenty-Seven (27) Orphan Oil Wells, (Mr. and Mrs. Chris Works, Mr. and Mrs. Scott Williams, Mr. and Mrs. Larry Yeager and Mrs. Elizabeth Eschrich Properties) The principal items of work include cleaning out and plugging twenty-seven (27) orphan oil wells, estimated to be between 1,200-1,380 feet each in depth, taking approximately 890 hours of plugging time, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on October 27, 2006 and bids will be opened on November 30, 2006 at 2:00 p.m. Bid documents cost \$10.00 per set and will not be mailed until payment has been received. A pre-bid conference is planned for this project but a date has not been set. Please use the contact information contained in this advertisement to find out more about the pre-bid.

Department: Environmental Protection
Location: Foster Township, McKean County
Duration: 230 calendar days after the official starting date.
Contact: Construction Contracts Section, 717-787-7820



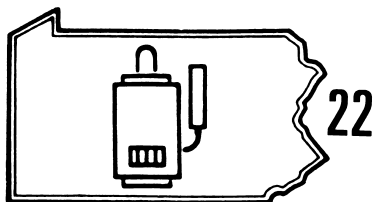
Food

CN00023278 Non-Bulk Milk and Cream Products: Fax to 814-255-8370 or email, company name, address, telephone number, and PA State Vendor Number to receive Request for Quote-Invitation for Bid for individual packaged milk and cream products. PROPOSED BID OPENING DATE 11/16/06.

Department: Labor and Industry
Location: OVR-Hiram G. Andrews Center, 727 Goucher St, Johnstown, PA 15905
Duration: 01-03-07 through 12-31-07
Contact: Ken Zakraysek, 814-255-8210

Meat, Chicken Chicken Leg Quarters, Frozen, 10-12 oz.

Department: Corrections
Location: SCI Huntingdon, 1100 Pike Street, Huntingdon, PA 16669
Duration: November 2006
Contact: Susan Barben, 814-643-2400 ext. 305



HVAC Services

PR30202560 2 ea. Aurora Vertical Sump Pump, Model 632 or approved equal, Size 4 x 4 x 7, approximately 7'-6" pump length, 3 HP, 1750 RPM, TEFC, 208 volt, 3 phase motor. Bid Opening Date: November 08, 2006; 2:30 pm

Department: Fish and Boat Commission
Location: Linesville State Fish Hatchery, 13300 Hartstown Road, Linesville, PA 16424
Contact: Debbie Rose, 814-359-5141

CN00023129 Provide Complete Maintenance and emergency services for the Wastewater Pumping Station, Force Main and Gravity Sewer located at the Delaware Water Gap Welcome Center (Site F) on Interstate 80 in Smithfield Township, Monroe County, for a three (3) year period, with an additional two (2) year renewal with mutual consent between contractor and Department of Transportation. Bid Due Date is November 9, 2006, 10:00 a.m.. Bid opening to be held at Penndot, Engineering District 5-0, Parkwood Annex, 2460 Parkwood Drive, Allentown, PA, 18103, on November 9, 2006, 10:00 a.m.

Department: Transportation
Location: Interstate 80, Smithfield Township, Monroe County
Duration: 3 year purchase order period, with an additional 2 year renewal with mutual consent between contractor and dept
Contact: Ron Deutsch, 610-791-6061



Janitorial Services

CN00023253 To provide janitorial services for the PA Department of Transportation District Office Building located at 1002 W. Hamilton St. Allentown, PA. Work to be done in accordance with specifications provided in the bid package.

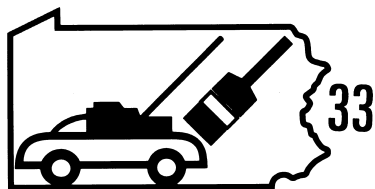
Department: Transportation
Location: PA Dept. of Transportation, Engineering District 5-0; 1002 W. Hamilton St. Allentown, PA
Duration: One year from effective date with three (3) one year renewals
Contact: William Zellner, 610-798-4345



Lodging/Meeting Facilities

REBID CN00023276 Provide lodging, meeting rooms, meals, and breaks for Department of Conservation and Natural Resources' Bureau of Forestry personnel and statewide volunteer Fire Wardens for the 2007 Pennsylvania Forest Fire Warden Training to be held June 22-24, 2007. Facility must be within a 10-mile radius of Lewisburg, PA. All services must be provided on the same premises. In order to be awarded a state contract, interested vendors must be registered with the Commonwealth and have a registered vendor number. To register and obtain a number, call CVMU at 1-866-775-2868 or online at www.vendorregistration.state.pa.us. BID OPENING DATE: 11/7/2006, 2:00 PM

Department: Conservation and Natural Resources
Location: Lewisburg, PA
Duration: June 22-24, 2007
Contact: Gloria Strawser, 717-783-0733



Property Maintenance

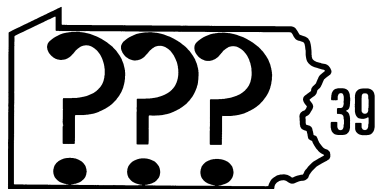
CL629 Rebid Masonry restoration of Egbert Hall, a two story office building as well as repairs to the roof, eaves and fascia, refinishing of stairwell walls and installation of a doorway. Prebid meeting 10:00 am November 7, 2006 McEntire Building Conference Room, Bids due 2:00 pm November 22, 2006, Thorn II Building, 840 Wood Street, Clarion, PA 16214. Bid Packets will be available October 23, 2006 at a cost of \$35.00.

Department: Education

Location: Exit 64 I-80, Rt 66 North to Clarion off Greenville Ave Campus map available at www.clarion.edu

Duration: 90 days from Notice to Proceed

Contact: Ruth Wolfgong, 814-393-2365



Miscellaneous

MI-870 Bard & Gilbert Renovations - Renovations to two (2) Student Housing Facilities including but not limited to, construction of dedicated communication rooms/closets, lobby interior finishes, exterior masonry chase, window replacements, new air conditioning system for the communication room, replacement of existing heaters with new packaged terminal heat pumps for each dorm room, replacement of existing water heaters, new gas service, emergency generators, and a complete electrical infrastructure upgrade (i.e., new distribution equipment including 15kV switchgear, wiring, devices, lighting, etc.). Issue date: October 20, 2006, Requests for bid documents must be received by noon, November 1, 2006 Cost Range: General Construction \$500,000 - \$1,000,000 HVAC \$500,000 - \$1,000,000; Plumbing \$100,000 - \$300,000; Electrical \$750,000 - \$1,000,000 MBE/WBE requirements are applicable. Bid Due: November 20, 2006, 1:30 PM. Prebid Meeting: October 27, 2006, 1:00 PM, Student Memorial Center, Room 44. Construction Start Date: May 14, 2007. Completion Date: August 1, 2007.

Department: State System of Higher Education

Location: Millersville University, Millersville, PA 17551

Contact: Ruth Sheetz, 717-872-3829

[Pa.B. Doc. No. 06-2145. Filed for public inspection October 27, 2006, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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JAMES P. CREEDON,
Secretary

